

ATTACHMENT

For Item

#1

Wednesday,
August 18, 2021

PUBLIC COMMUNICATION RECEIVED BY THE
CLERK OF THE BOARD

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From: Alicia Kaye <aliciadkaye@gmail.com>
Sent: Tuesday, August 17, 2021 6:41 PM
To: Anderson, Joel
Cc: Kazmer, Gregory; FGG, Public Comment; Slovick, Mark; Desmond, Jim; Mills, Benjamin; Lawson-Remer, Terra; Andrade, Evelyn; Vargas, Nora; Flores, David; Fletcher, Nathan (BOS); Wier, Emily
Subject: [External] VOTE NO JVR ENERGY PARK AUGUST 18

Follow Up Flag: Follow up
Flag Status: Flagged

Hi there,

This is unethical development and will negatively impact the town of Jacumba and its residents. Vote no JVR energy park tomorrow.

Thank you,
Alicia

From: Guillen, Christopher R. <cguillen@bhfs.com>
Sent: Tuesday, August 17, 2021 6:50 PM
To: FGG, Public Comment
Cc: Geoff Fallon; Waterman, Ryan R.; Koutoufidis, Nicholas
Subject: [External] Comment letter in support of JVR Energy Project, Aug. 18, 2021, Item No. 1
Attachments: 2021.08.17 Letter to Board of Supervisors re References.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

To whom it may concern:

Please include the attached letter in the record for the Board of Supervisors' consideration of the JVR Energy Park Project on August 18, 2021 (Agenda Item No. 1).

Best regards,

Christopher R. Guillen
Brownstein Hyatt Farber Schreck, LLP
1021 Anacapa Street, 2nd Floor
Santa Barbara, CA 93101
805.882.1452 tel
cguillen@bhfs.com

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August 17, 2021

Ryan R. Waterman
Attorney at Law
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VIA ELECTRONIC MAIL
(publiccomment@sdcounty.ca.gov)

County of San Diego Board of Supervisors
c/o Clerk of the Board
1600 Pacific Highway
Fourth Floor, Room 402
San Diego, CA 92101

**Re: August 18, 2021 Meeting Agenda Item No. 1, Major Use Permit for the JVR Energy Park Project
(PDS2018-MUP-18-022)**

Dear Chair Fletcher and Honorable Supervisors:

This firm represents JVR Energy Park, LLC ("BayWa") in its efforts to develop the JVR Energy Park Project ("Project"), a utility scale solar project with the capacity to generate 90 megawatts ("MW") of solar energy with up to 90 MW energy storage.

The table on the following pages include additional references for the Board's consideration in its review of the Project and the Project entitlements.

Sincerely,


Ryan Waterman

Attachment

cc: Mr. Geoff Fallon (BayWa)

23009740

bhfs.com

225 Broadway, Suite 1670
San Diego, CA 92101-5000
main 619.702.6100

Brownstein Hyatt Farber Schreck, LLP

DOCUMENT	WEBLINK
BLM Hunting, Fishing and Recreational Shooting Programs	https://www.blm.gov/programs/recreation/recreation-programs/recreational-shooting/california
CalFIRE California's Forest and Rangelands 2017 Assessment	https://frap.fire.ca.gov/media/3180/assessment2017.pdf
CalFIRE California's Forest and Rangelands: 2010 Strategy Report	https://frap.fire.ca.gov/media/3177/strategyreport2010.pdf
California Department of Conservation 2010 Fault Activity Map of California	https://www.conservacion.ca.gov/cgs/publications/fault-activity-map-of-california : https://www.conservacion.ca.gov/cgs/PublishingImages/Publications/FAM_750k_MapRelease_page_preview.jpg
California State Parks, Map Anza Borrego State Park Map	https://www.parks.ca.gov/pages/638/files/abdsp_Park_Map201704.pdf
Caltrans, VMT Transportation Impact Study Guide	https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-05-20-approved-vmt-focused-tisq-a11y.pdf
CARB, Glossary	https://ww2.arb.ca.gov/glossary
County of San Diego 2004, Grading, Clearing and Watercourses Ordinance	https://www.sandiegocounty.gov/content/dam/sdc/dpw/PERMITS FORMS CHARTS DRAWINGS MANUALS TEMPLATES GUIDES/propgradord.pdf
County of San Diego 2013, Report Format and Content Requirements GHG Analyses and Reporting	https://www.sandiegocounty.gov/content/dam/sdc/pds/ceqa/Soitec-Documents/Final-EIR-Files/references/rtoref/ais/2014-12-19_CountyofSanDiego2013GreenHouseGas.pdf
County of San Diego 2017, Strategic Plan to Reduce Waste	https://www.sandiegocounty.gov/content/dam/sdc/dpw/SOLID WASTE PLANNING and RECYCLING/Files/Final_Strategic%20Plan.pdf
County of San Diego 2019, BMP Design Manual	https://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED PROTECTION PROGRAM/watershedpdf/Dev_Sup/County_BMPDM_Ch.pdf
County of San Diego, Biological Mitigation Ordinance	https://www.sandiegocounty.gov/content/dam/sdc/pds/mscp/docs/SCMSCP/BMO_Update_2010.pdf

DOCUMENT	WEBLINK
County of San Diego, Boulevard Master Plan	https://www.sandiegocounty.gov/content/sdc/pds/community-trails-master-plan.html
County of San Diego, Community Trails Master Plan	https://www.sandiegocounty.gov/content/sdc/pds/community-trails-master-plan.html
County of San Diego, Light Pollution Ordinance	https://www.sandiegocounty.gov/pds/docs/LightPollutionCode.pdf
County of San Diego, May 2020, Draft Transportation Study Guide	https://www.sandiegocounty.gov/content/dam/sdc/pds/ceqa/SB743TransportationGuide/Attachment%20B%20TSG%2005-04-2020%20Public%20Review%20Draft.pdf
County of San Diego, Ordinance 9716 Light Pollution Updates	https://www.sandiegocounty.gov/content/dam/sdc/cob/ordinances/ord9716.doc
County of San Diego, PDS Zoning and Property Information	https://gis-portal.sandiegocounty.gov/arcgis/home/webmap/viewer.html?webmap=f1b69ba9d3dd4940b8d1efcc9dac2ac4
County of San Diego, Property Assessed Clean Energy	https://www.sandiegocounty.gov/content/sdc/pace.html
County of San Diego, San Diego County Library, Branch Libraries [map]	https://sdc1.bibliocommons.com/locations
County of San Diego, Unified Disaster Council	https://www.sandiegocounty.gov/content/sdc/oes/emergency_management/oes_il_uDC.html
Customs and Border Patrol, Campo Station	https://www.cbp.gov/border-security/along-us-borders/border-patrol-sectors/sandiego-sector-california/campo-station
Jacumba and Carrizo Gorge Wilderness Areas	https://lumentana.maps.arcgis.com/apps/webappviewer/index.html?id=a415bca07f0a4bee9f0e894b0db5c3b6
NOAA 2019b, Precipitation Levels in the Jacumba Valley	https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=ca

DOCUMENT	WEBLINK
OPR 2018, Technical Advisory on Evaluating Transportation Impacts in CEQA	http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf
Parker, Patricia 1998, Guidelines for Evaluating and Documenting Traditional Cultural Properties	https://www.google.com/books/edition/Guidelines for Evaluating and Documentin/fP2vpH4vFkC?hl=en&gbpv=1
SANDAG 2010, Demographic and Socioeconomic Profile Mountain Empire CPA	https://datasurfer.sandag.org/download/sandag_census_2010_cpa_mountain-empire.pdf
SANDAG 2018, Regional Models	https://www.sandag.org/index.asp?classid=32&fuseaction=home.classhome
Sandia National Laboratories 2012, Advanced Inactive Materials for Improved Lithium-Ion Battery Safety	https://digital.library.unt.edu/ark:/67531/metadc835464/m1/1/
SWRCB 2019, Porter-Cologne Water Quality Control Act	https://www.waterboards.ca.gov/laws_regulations/docs/portercologne.pdf
SWRCB, Underground Storage Tank Program	https://www.waterboards.ca.gov/water_issues/programs/ust/
WRCC 2019, Climate Maps	https://wrcc.dri.edu/Climate/climate_maps.php



Manzanita Band of the Kumeyaay Nation

August 17, 2021

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

RE: Comments of the Manzanita Band for the JVR Energy Park Project Draft EIR
PDS2018-MUP-18-022 and PDS2018-ER-18-22-001

Dear Ms. Harris:

The Manzanita Band of the Kumeyaay Nation ("Tribe"), also known as the Manzanita Band of Diegueno Mission Indians, is a federally recognized Self-Governance Indian Tribe that operates pursuant to its Constitution and Bylaws adopted on July 12, 1975 pursuant to the Indian Reorganization Act and approved by the Commissioner of Indian Affairs on January 9, 1976, and possesses inherent powers of self-governance with duties, rights, responsibilities, and with power and authority over the lands within the exterior boundaries of the Manzanita Indian Reservation.

The Manzanita Band submitted previous comments and request for consultation in November 16, 2020 and December 7, 2020. Copies of those correspondences are attached and incorporated as on-going concerns. The County has not fully and meaningfully conducted adequate government-to-government consultation. The County stated they concluded consultation on May 27, 2020 due to a lack of response. This statement is not valid as the response to Mr. Elliott's email of November 16, 2020 was not received until February 25, 2021. No response was received to the comments submitted by Lisa Haws on December 2, 2020 until posted on the County's website.

The Manzanita Band received no further emails from the County regarding the project until August 12, 2021. Therefore, without adequate participation by the County to respond to concerns of the Manzanita Band, the County's obligations for meaningful consultation have not been fulfilled. The timing of the correspondence with the declaration of a statewide Covid-19 pandemic, further exacerbated communication and addressing our concerns. Furthermore, in the current draft EIR, Dudek states that the County's "consultation on AB 52 is ongoing and will

continue throughout the process of the Proposed Project.” The Manzanita Band looks forward to improved communication and consultation.

The Manzanita Band is aware that solar energy facilities produce diverse impacts on cultural resources in and around the areas where they are built. Impacts occur during both facility construction and operation. Solar project significantly impact cultural resources for which visual integrity and/or a quiet setting is a component of a site’s significance, such as trails, sacred sites and landscapes, historic structures, traditional cultural properties, and historic landscapes. Cultural resources are nonrenewable and, once damaged or destroyed, are not recoverable. When a cultural resource is damaged or destroyed during solar energy development, this particular cultural location, resource, or object is irretrievable.

The Manzanita Band is very familiar with the culturally sensitive areas of Jacumba Hot Springs and the surrounding areas. Jacumba Valley (Jacume/Hametaay) is a village site extending from its center near the Jacumba Hot Springs several miles in all directions, including the project area and south across the border into what is now Mexico. Jacumba Valley is the central location of a Kumeyaay origin story. It has also been recommended for listing as a Multiple Resource Area, meaning that it is comprised of several types of important resources such as village sites, sacred area, and plant gathering locales, trails, ceremonial sites, cremations, burials, and other significant resources that collectively distinguish the area from other smaller sites with a less comprehensive set of related religious and cultural resources. The EIR contains no consideration of the cumulative effects on this area and these sites. Cultural resources are non-renewable resources and destroying any of them is erasing our history.

We are very concerned about the research and information used by Dudek to reach their conclusions in favor of the developer rather than the protection of cultural resources. For example, Jacumba Valley is a part of the Jacumba Valley Archaeological District, a 4,222-acre area which the Bureau of Land Management has nominated for inclusion on the National Register of Historic Places because of the area’s role in, and rich archaeological record of, Kumeyaay history, culture and ceremonial life. The Bureau of Land Management, Jacumba Valley Archeological District nomination to the National Register of Historic Properties (2013) explains,

According to ethnographic testimony and some archaeological evidence, Jacumba Valley was an important trade center lying between the Pacific Coast and the Colorado River. The district comprises 144 Native American archaeological sites and nine isolated artifacts that date principally to the Late Prehistoric and early Historic periods (A.D. 500-A.D. 1880). The sites range from habitation bases (villages) and spiritual/ceremonial sites to small lithic scatters and isolated or clustered earth ovens, mostly for the processing of the edible portions of the desert agave plant. In addition, the district incorporates nine ethnographically attested sites that are documented in the literature going as far back as one hundred years and by Kumeyaay elders in the late 1970s. These sites include a spiritually significant hot spring and two sacred mountains, remembered village locations (one of which corresponds, at least in part, to archaeological site SDI-4455), a cremation burial area, plant gathering locales, and the local segment of a

major trans-regional trail. Because of this traditional and continued knowledge and use of the area, the ethnographic sites included in the Jacumba Valley Archaeological District may qualify as Traditional Cultural Properties (TCPs).

Yet Dudek states, "...despite the recordation of the village of Hakum (avoided, outside the ADI) by Malcom Rogers... nothing was found at evaluated archaeological sites in the Proposed Project ADI that could link them to this village, or indicate that they were chronologically contemporaries with the village of Hakum." Dudek further ignored the contribution of Ms. Carmen Lucas of the Kwaavmii Laguna Band of Mission Indians, when she stated, "...that Jacumba is a sacred area and that "not one inch" of the area does not have cultural significance." Furthermore, Dudek independently and without tribal involvement considered the potential impact of the sites in relationship to the larger cultural context and concluded the area does not represent or convey the significant elements defining archaeological sites in the broader region. Yet, the area is a proposed archeological district with connections to other proposed and approved districts such as In-Ko-Pah, Table Mountain, and Kuchumaa Mountain (Tecate Peak).

Not surprisingly, there are a number of significant archeological sites in the region. There is a site immediately adjacent to the border wall near Jacumba, which involves extensive findings, including a 10,000-year-old stone hearth at 21 feet below the surface. Given this information, it is professionally irresponsible for the County to support Dudek's conclusion that, "Considering the history of surface disturbances by agricultural activities, the mixed subsurface stratigraphy, and the few subsurface artifacts, this site has a low potential for significant buried deposits or culturally sensitive materials...based on exposed bedrock." The comprehensive use of ground penetrating radar would improve the ability to locate subsurface materials. Due to the extensive use by the Kumeyaay people of the area, there is also a high probability that human remains are in the Project area, particularly and justifies the use of specially trained forensic dogs to survey the entire project area.

Much of Dudek's evaluation were based on site records and site surveys before and during 2019. Since that time additional surveys have been conducted for other projects in the area including the international border wall with Mexico. New reports and finding should have been evaluated prior to the distribution of the current draft EIR. All artifacts, and there have been many observed artifacts within the project boundaries, need to be recorded. If they are within the area of potential impact, they need to be collected and curated. All artifacts and resources, whether in situ or not, are very important to the Kumeyaay People and are important for the history of the world.

It is our firm belief that the EIR is severely technically flawed, inadequate to approve the projects, and heavily weighted in support of the developers proposal. The role of the lead CEQA agency, the County of San Diego, is not only to evaluate potential impacts and mitigation, but also to protect the public interest. This is especially important for a project of this size which has never been seen in the County. Not only are real and potential impacts to cultural resources and tribal cultural resources minimized, their analysis is segmented to further reduce and negate any impacts.

The JVR Energy Park Project Draft EIR continues to be deficient in the following areas:

- It does not provide adequate information for the evaluation of the direct, indirect and cumulative impact of the entire proposed project or project alternatives.
- It is insufficient to inform public agencies, the public, and decision makers of the significant environmental effects of the Proposed Project or any consultation on Tribal Cultural Resources.
- It does not identify sufficient ways to minimize significant effects or describe reasonable alternatives to the Proposed Project, and a management and collection plan is needed prior to any ground disturbance.
- There is little to no consideration or analysis of Tribal Cultural Values, assessment of impacts to Kumeyaay People under the American Indian Religious Freedom Act.
- No evaluation of ethnobotanical or wildlife resources important to the Kumeyaay.
- No assessment of visual or aesthetic impacts to landscapes, sacred sites or freedom of religion.
- There is no information on the continued use of qualified Kumeyaay Monitors with priority given to tribal members and tribal governments closest to the project area; tribal participation plan; and monitoring plan. Without these assurances, the guarantee of appropriate participation by the Kumeyaay Nation, is in an indeterminate state.

These comments are provided on behalf of the Manzanita Band of the Kumeyaay Nation. The Manzanita Band looks forward to working with the County of San Diego and engaging in meaningful government-to-government consultation. Should you have any questions, you may contact Councilman Johnny Eagle-Spirit Elliot at 619-980-7679 or Lisa Haws, Tribal Historic Preservation Officer at 619-733-7697. Thank you.

Sincerely,



Ms. Angela Elliott Santos, Chairwoman

cc:

Donna.Beddow@sdcounty.ca.gov
Nicholas.Koutoufidis@sdcounty.ca.gov
Andrew.potter@sdcounty.ca.gov
Mark.slovick@sdcounty.ca.gov
joel.anderson@sdcounty.ca.gov
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Manzanita Band of the Kumeyaay Nation

December 7, 2020

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

RE: Preliminary Comments of the Manzanita Band for the JVR Energy Park Project Draft EIR
PDS2018-MUP-18-022 and Request for Government-to-Government Consultation

Dear Ms. Harris:

The Manzanita Band of the Kumeyaay Nation ("Tribe"), also known as the Manzanita Band of Diegueno Mission Indians, is a federally recognized Self-Governance Indian Tribe that operates pursuant to its Constitution and Bylaws adopted on July 12, 1975 pursuant to the Indian Reorganization Act and approved by the Commissioner of Indian Affairs on January 9, 1976, and possesses inherent powers of self-governance with duties, rights, responsibilities, and with power and authority over the lands within the exterior boundaries of the Manzanita Indian Reservation.

The Manzanita Band is one of twelve Bands of the Kumeyaay Nation whose aboriginal territory is from the Pacific Ocean to the desert and approximately 75 miles north and south of the international border and as far as the Colorado River adopted by the State of California through Assembly Joint Resolution No. 60 on the 29th day of August 2002. The Manzanita Band of the Kumeyaay Nation is also traditionally and culturally affiliated with cultural resources now submerged in the Pacific Ocean from 3 to 17 kilometers further westward than today's coastline and as far as we could travel to harvest marine resources. The Manzanita Band also strives to protect known and unknown cultural resources within the aboriginal territory.

On November 16, 2020, Councilman Johnny Eagle-Spirit Elliott requested by email additional information on the JVR Energy Park Project (Attachment A). On December 2, 2020, Lisa Haws, Tribal Administrator and Tribal Historic Preservation Officers (THPO) emailed Donna Beddow, County of San Diego, to follow-up on the delivery of information requested in the November 16th email. Ms. Beddow responded, "County staff is preparing a response and will forward to Councilman Elliott once complete." The County did not provide a target date for the delivery of information. Therefore, the comments provided below and in the email of November 16th, are preliminary and additional comments will be provided during government-to-government consultation and review of the information requested.

The Manzanita Band is very familiar with the culturally sensitive areas of Jacumba Hot Springs and the surrounding areas. As drafted, the JVR Energy Park Project Draft EIR does not provide adequate information for the evaluation of the direct, indirect and cumulative impact of the entire proposed project or project alternatives. The Project Draft EIR cannot be used by the County to sufficiently inform public agencies, the public, and decision makers of the significant environmental effects of the Proposed Project. The Draft EIR does not identify sufficient ways to minimize significant effects or describe reasonable alternatives to the Proposed Project as government-to-government consultation has not concluded; there little consideration or analysis of Tribal Cultural Values; no evaluation of cultural to ethnobotanical and wildlife resources; and no assessment of visual or aesthetic impacts to landscapes, sacred sites or freedom of religion.

The Manzanita Band has previously expressed to the County of San Diego the importance of early and meaningful consultation to ensure our concerns and comments are included from the beginning of a project through project decommissioning. Our initial comments are as follows:

1. The Biological Resources Impact and Mitigation does not identify cultural or tribal values of animal resources, plant resources, or wildlife movement. The Biological Resources Impact and Mitigation shall include management plans specific to fauna and flora with cultural significance to the Kumeyaay Nations such as Tamarisk, a plant with important value to the Kumeyaay.

The biological open space easement that will be granted to the County of San Diego (County) does not address access for the Kumeyaay Nation to perform culturally appropriate management and monitoring activities for the purposes of traditional practices or species and habitat conservation.

The Project Biologist shall include a qualified Kumeyaay representative during all environmental monitoring duties before, during and after construction. The contract provided to the County shall include the cost of a Kumeyaay biological monitor and clarify the role of the Kumeyaay biological monitor in the Memorandum of Understanding (MOU) between the biological consulting company and the County.

The County should prioritize the open space habitat land to be owned and managed by the Manzanita Band of the Kumeyaay Nation or the Kumeyaay Diegueño Land Conservancy (KDLC). If necessary, an open space easements may be dedicated to the County in perpetuity, unless the easement is conveyed to the Manzanita Band or KDLC. The Manzanita Band or KDLC will be the resource manager and recipient of funding adequate to fund annual costs for implementation as a non-wasting endowment.

2. The Cultural and Archaeological Resources sections do not include sufficient safe guards to evaluate or protect critical Kumeyaay resources. In order to prevent inadvertent disturbance to sensitive resources areas within or adjacent to the project area of impact, the applicant shall retain a qualified Project Archeologist with experience in San Diego and Imperial Counties, subject to the review and approval by the Manzanita Band and the County.

Qualified Kumeyaay Cultural Monitors shall participate in all surveys, have access to project maps, and receive draft copies of any newly recorded sites.

To mitigate for potential impacts to undiscovered, buried archeological or cultural resources and to mitigate the additional impacts to known archaeological resources, a pre-construction, construction, and post-construction archeological and Kumeyaay monitoring program and potential data recovery program shall be developed and subject to the review and approval by the Manzanita Band and the County.

- The programs shall include a description of the Kumeyaay Monitors selection process and equal access to monitoring opportunities for the Kumeyaay Nation.
 - The plans shall clarify the Manzanita Band's preference for avoidance, relocation, collection, transportation protocol, testing, and curation of cultural materials and by whom.
 - A Research Design and Data Recovery Program shall be prepared by the Project Archeologist and Kumeyaay Monitors and approved by the Manzanita Band and the County.
3. Similar to the requirements for biological monitoring, to ensure sufficient funding to support the required number of qualified Kumeyaay Monitors needed for a project of this size, the Project Archeologist or Applicant shall provide a contract to the County with the cost of a Kumeyaay Monitors and clarify their roles in a Memorandum of Understanding (MOU) between the archeological consulting company and the County.
 4. Upon the discovery of human remains, no further disturbance shall occur in the area of the find until the Manzanita Band is notified and the County Coroner has made the necessary findings as to origin. Should the remains need to be taken offsite for evaluation, the Manzanita Band shall be consulted on the type of evaluations necessary and the protocol for transportation.
 5. The Cultural Resources Treatment Agreement and Preservation Plan shall be developed prior to the approval of any plan or issuance of any permit and prior to use of the premises in reliance on this permit. The plan shall be prepared by the Project Archeologist and in consultation with the Manzanita Band and the County.
 6. The 24-paged Tribal Cultural Values section does not discuss the potential impacts to Tribal Cultural Resources (TCRs) resulting from implementation of the proposed JVR Energy Park Project (Proposed Project). The concerns regarding proper Native American consultation and proper monitoring for tribal cultural resources, tribal artifacts, cremation sites and human remains are not addressed in this section. The analysis is sterile, academic, and based on a review of existing cultural resources; technical data; applicable laws, regulations, and guidelines; and other technical reports. These documents have not been fully shared with the Manzanita Band and do not minimally satisfy the purpose for which the California Environmental Quality Act (CEQA) was revised to include TCRs.

The assessment is premature as meaningful government-to-government consultation conducted by the County pursuant to Assembly Bill (AB) 52 has yet to be completed with the Manzanita Band and other Bands of the Kumeyaay Nation. Government-to-government consultation is not the responsibility of a consulting firm and rests with the lead CEQA agency. Therefore any statements that Native American Heritage Values are considered or evaluated or not impacted are baseless.

The consultant minimizes the Proposed Project's area of direct impact (ADI) by describing it as "largely confined to the valley floor, a portion of which has been altered by agricultural activity." The Project will require a demolition permit for the existing dairy operation which will uncover cultural resources. Furthermore, Ms. Carmen Lucas of the Kwaavmii Laguna Band of Mission Indians sated to the consultant, "...that Jacumba is a sacred area and that "not one inch" of the area does not have cultural significance."

The cultural setting for continuous human occupation in southern California inaccurately describes the spans as the last 10,000-years while research academic research has expanded far beyond this timeframe. The section further recognizes human movements westward between the Colorado Desert and the Imperial Valley rather than the movement of the Kumeyaay from the ocean to the desert and north and south of the international boundary with Mexico.

7. The methodology use to evaluate the presence and significance of existing tribal cultural resources was conducted without the involvement of the Manzanita Band and did not include Kumeyaay Monitors. The sole use of archaeological site record and archival research, a Sacred Lands File search, intensive pedestrian field survey and evaluation are woefully inadequate and premature as Native American consultation pursuant to AB 52 is not concluded.
8. The consultant received direct input from the La Posta Band and Ms. Lucas. The information provided by Ms. Lucas was not included in the evaluation, assessment or mitigation measures. As previously state by Ms. Lucas, the entire area is culturally significant and Ms. Lucas, "recommended that forensic dogs be used to identify human remains, and that the dog analysis should dictate the design of the solar arrays." The request for forensic dogs was not included as a mitigation measure or even as a best management practice. The tribal input received by the consultant was ignored.
9. The consultant further erroneously states that, "operational activities are unlikely to disturb tribal cultural resources because they would affect surface soil horizons only, which do not contain significant tribal cultural resources as previously analyzed." Vehicle movement, pedestrian activities, wind, rain, and erosion are all part of operational activities and frequently disturb and reveal inadvertent discoveries.
10. Archeological and Cultural Monitoring is a best management practice and not a mitigation measure. The evaluation of the significance of discovered resources and whether they constitute a TCR is performed by the Project Archaeologist and the

Kumeyaay Monitor, but the determination if they constitute a TCR is by the Manzanita Band in consultation with the County Archaeologist.

These preliminary comments are provided on behalf of Ms. Angela Elliott Santos, Chairwoman, Manzanita Band of the Kumeyaay Nation. The Manzanita Band looks forward to working with the County of San Diego and engaging in meaningful government-to-government consultation. Should you have any questions, you may contact Councilman Johnny Eagle-Spirit Elliot at 619-980-7679. You may also contact me at 619-733-7697. Thank you.

Sincerely,



Lisa C. Haws
Tribal Administrator & Tribal Historic Preservation Officer (THPO)

cc: Ms. Beddow, Donna (Donna.Beddow@sdcounty.ca.gov)
Mr. Nicholas Koutoufidis (Nicholas.Koutoufidis@sdcounty.ca.gov)
Ms. Angela Elliott Santos, Chairwoman
Mr. Johnny Eagle-Spirit Elliott, Councilman

From: [Beddow, Donna](#)
To: [Harris, Susan](#)
Subject: FW: JVR Energy Park PDS2018-MUP-18-022
Date: Tuesday, November 17, 2020 12:54:54 PM

-----Original Message-----

From: Johnny Elliot <johnny@eagle-spirit.us>
Sent: Monday, November 16, 2020 12:10 PM
To: mhale@dudek.com; Beddow, Donna <Donna.Beddow@sdcounty.ca.gov>; patrick.brown@baywa-re.com
Cc: Angela Santos <aelliottsantos7@aol.com>; Johnny Elliot <johnny@eagle-spirit.us>; Lisa Haws <lisahaws@msn.com>; Veronica Santos <nativespirit91@aol.com>
Subject: JVR Energy Park PDS2018-MUP-18-022

Good Morning All,

I am writing to you all this morning to share a few concerns on the JVR project.

1. As one of the closest Tribes to the project area and as a Tribe who has Tribal Members who's clan trace back directly to the Jacumba Valley, including myself, we demand Government to Government consultation immediately! You know that the Manzanita Tribe is very concerned with protecting Kumeyaay cultural resources in our Traditional Homelands. The County's process and protocols on consultation and protection of cultural resources are severely inadequate and do not actually address the spirit of state and federal laws and the working relationship and lack thereof with the Tribes of San Diego County.
2. Manzanita is preparing a comment letter addressing many of the inadequacies of the Environmental Documents, our concerns with the protection, avoidance, recording, collecting and curating of the resources and archeology and project development.
3. I have been informed that there are surveys that will take place this week and I want to know what Tribes are sending Kumeyaay Monitors? All surveys should have Kumeyaay monitors that are endorsed by a Kumeyaay Tribe. Kumeyaay monitors should be included in all ground disturbing activities before, during and for maintenance of the project. In addition there is a very high probability for subsurface discoveries for which we are very concerned
4. From the map I was shown there are so many concerns that I'm surprised that the company wishes to develop. There are two sacred mountains within the project map, these areas will have to be taken out of the area of impact at least 1000 feet from the base of these sacred places. In addition it is well known to the County that the Jacumba Valley has so much buried cultural resources that even water lines can not be dug or maintained without disturbing and destroying these resources. We will not accept the destruction of these areas.
5. Manzanita is requiring sincere and meaningful mitigation on this project.
6. The Manzanita Band requests copies of the confidential site records and any studies, preliminary or draft, immediately.

I look forward to receiving a response as soon as possible.
Johnny EagleSpirit Elliott
Manzanita Band of the Kumeyaay Nation

From: [Beddow, Donna](#)
To: [Harris, Susan](#)
Subject: FW: JVR Energy Park PDS2018-MUP-18-022
Date: Tuesday, November 17, 2020 12:54:54 PM

-----Original Message-----

From: Johnny Elliot <johnny@eagle-spirit.us>
Sent: Monday, November 16, 2020 12:10 PM
To: mhale@dudek.com; Beddow, Donna <Donna.Beddow@sdcounty.ca.gov>; patrick.brown@baywa-re.com
Cc: Angela Santos <aelliottsantos7@aol.com>; Johnny Elliot <johnny@eagle-spirit.us>; Lisa Haws <lisahaws@msn.com>; Veronica Santos <nativespirit91@aol.com>
Subject: JVR Energy Park PDS2018-MUP-18-022

Good Morning All,

I am writing to you all this morning to share a few concerns on the JVR project.

1. As one of the closest Tribes to the project area and as a Tribe who has Tribal Members who's clan trace back directly to the Jacumba Valley, including myself, we demand Government to Government consultation immediately! You know that the Manzanita Tribe is very concerned with protecting Kumeyaay cultural resources in our Traditional Homelands. The County's process and protocols on consultation and protection of cultural resources are severely inadequate and do not actually address the spirit of state and federal laws and the working relationship and lack thereof with the Tribes of San Diego County.
2. Manzanita is preparing a comment letter addressing many of the inadequacies of the Environmental Documents, our concerns with the protection, avoidance, recording, collecting and curating of the resources and archeology and project development.
3. I have been informed that there are surveys that will take place this week and I want to know what Tribes are sending Kumeyaay Monitors? All surveys should have Kumeyaay monitors that are endorsed by a Kumeyaay Tribe. Kumeyaay monitors should be included in all ground disturbing activities before, during and for maintenance of the project. In addition there is a very high probability for subsurface discoveries for which we are very concerned
4. From the map I was shown there are so many concerns that I'm surprised that the company wishes to develop. There are two sacred mountains within the project map, these areas will have to be taken out of the area of impact at least 1000 feet from the base of these sacred places. In addition it is well known to the County that the Jacumba Valley has so much buried cultural resources that even water lines can not be dug or maintained without disturbing and destroying these resources. We will not accept the destruction of these areas.
5. Manzanita is requiring sincere and meaningful mitigation on this project.
6. The Manzanita Band requests copies of the confidential site records and any studies, preliminary or draft, immediately.

I look forward to receiving a response as soon as possible.
Johnny EagleSpirit Elliott
Manzanita Band of the Kumeyaay Nation

From: Jessica Ng <jessicayjng@gmail.com>
Sent: Tuesday, August 17, 2021 9:39 PM
To: Anderson, Joel
Cc: Kazmer, Gregory; FGG, Public Comment; Slovick, Mark
Subject: [External] VOTE NO JVR ENERGY PARK AUGUST 18

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Supervisor Anderson,

I urge you to vote NO on the JVR Energy Park in order to protect the community of Jacumba, the wildlife and natural beauty, and the Kumeyaay heritage in the area.

Thank you,

Jessica Ng
PhD Candidate
Scripps Institution of Oceanography
UC San Diego

From: lance smith <lance92107@yahoo.com>
Sent: Tuesday, August 17, 2021 11:09 PM
To: Margit Whitlock
Cc: Slovick, Mark; FGG, Public Comment; Anderson, Joel; Kazmer, Gregory; Desmond, Jim; Mills, Benjamin; Lawson-Remer, Terra; Andrade, Evelyn; Petterson, Cody; Vargas, Nora; Flores, David; Fletcher, Nathan (BOS); Wier, Emily; mayortoddgloria@sandiego.gov; nzorrilla@sandiego.gov
Subject: [External] Re: NO JVR ENERGY PARK AUGUST 18
Follow Up Flag: Follow up
Flag Status: Flagged

To All Concerned,

Say no to the proposed Solar Farm in Jacumba!

Simply put, there is plenty of accessible and useable land in San Diego County to support this devastating industrialized utility project.

Don't let this project destroy the future of our town of Jacuma.

It would be a crime to stop dead forever the revitalization of such a historic, unique and beautiful place! Think about it, Jacumba is one of the last opportunities of expansion within an hours drive from the city of San Diego.

It's Jacumba's time Now... so say NO and "Save the Beauty"!!!

Sincerely,

Lance Smith

property owner

Starship Street 1, Jacumba, 91934

Sent from my iPhone

On Aug 16, 2021, at 3:24 PM, Margit Whitlock <Margitwhitlock@gmail.com> wrote:

Dear Supervisor Joel Anderson,

I am writing to you pleading for your support by rejecting the proposed 630 AC Solar Farm that will completely surround the 100 AC historic town of Jacumba.

Although founded in the early 1920s, Jacumba Valley has a rich history dating back thousands of years with occupation by the Kumeyaay Nation, then fast forward to 1785 when California Governor Don Pedro Fages's entourage stumbled upon Jacumba Valley in search of water. Today Jacumba Hot Springs is a historic community built around the healing hot spring water uniquely found in the area, but it struggles to survive. When Highway 8 was built bypassing Route 80, the town became one of the lowest income communities in San Diego County. This project will completely surround this at-risk community, devastate its only economic engine (tourism) that is under extensive revitalization right now and permanently turn a beautiful rural community into an industrialized utility wasteland. Jacumba sits over one of California's largest aquifers. The heat alone from the Solar Farm will destroy the ecosystem that

replenishes the aquifer and the wildlife. Because this Solar Farm is un-maned, there will not be any new jobs to help sustain the town's economy. This request is not with a NIMBY agenda, just a plea for equitable, low environmental and community impact development that respects community input.

I am an Architect who discovered Jacumba some 20 years ago when the then owner of the Jacumba Hot Springs Resort hired my firm to develop a town master plan in hopes of attracting positive development. Rich in history from 1920's Hollywood movie stars to cowboys and Indians, Jacumba stole my heart and that is why my partner and I invested in 42 acres of beautiful boulders at Starship Gate just west of the town.

I will attend and speak at the County Board of Supervisors meeting this Wednesday 9/18 at 9 am along with many many of my fellow Jacumbanites! This little precious town deserves your support and I am hopeful you will make the right decision for the town and it's future.

Please vote NO on this project to save our town.

Sincerely,

Margit Whitlock AIA
Architectural Concepts INC
www.4designs.com

From: Andrew Diefenbach <adiefenbach@sbcglobal.net>
Sent: Wednesday, August 18, 2021 6:05 AM
To: FGG, Public Comment; Slovick, Mark
Cc: csdiefenbach@sbcglobal.net
Subject: [External] jcsg comments on the JVR Park, item 1 on August 18, 2021
Attachments: JCSG BOS hearing letter on JVR agenda item 1.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Please accept the attached Jacumba Sponsor Group remarks on the JVR Park.

Cherry Diefenbach
Chair, Jacumba Sponsor Group

Jacumba Community Sponsor Group

August 17, 2021

To: SAN DIEGO COUNTY BOARD OF SUPERVISORS via PublicComment@sdcounty.ca.gov;
Nathan.Fletcher@sdcounty.ca.gov; Joel.anderson@sdcounty.ca.gov;
Nora.Vargas@sdcounty.ca.gov; Terra.Lawson-Remer@sdcounty.ca.gov;
Jim.Desmond@sdcounty.ca.gov; cc: Mark.Slovik@sdcounty.ca.gov

From: Cherry Diefenbach, Chair, Jacumba Community Sponsor Group (JCSG); 619-743-5224,
csdiefenbach@sbcglobal.net

RE: August 18, 2021, Agenda item #1: JVR Energy Park Major Use Permit; PDS2018-MUP-18-022; PDS2018-ER-18-22-001; and Fire Protection and Mitigation Agreement.

At the in-person special JCSG meeting held on August 6, 2021, the JCSG voted to authorize the Chair to submit comments in opposition to the proposed 600-acre JVR Solar Energy Park, now called the Community Buffer JVR alternative.

We have many reasons for requesting that County Supervisors deny this poorly planned solar project that will kill the future prosperity of our small community. Most were identified in our previous correspondence to County PDS (May 31, 2021), to the Planning Commission (July 8, 2021 and in JCSG meeting minutes (May 18, 2021).

After reviewing the voluminous CEQA documents, our residents have on several occasions, asked the BayWa representative, Geoff Fallon, and/or PDS staff to provide us with additional information on project specifics:

- what is the rated efficiency of the photovoltaic (PV) modules?
- what is the distance between solar panels?
- why the JVR project needs an 8.3-acre switchyard facility when the nearby ECO Substation was built to accommodate the distribution of power from nearby individual projects?
- why isn't the developer using the safer, non-toxic, non-flammable iron-flow batteries which are easily recycled and currently in use at a solar facility in Campo?
- whether the PV modules produce glare that will negatively impact residents living in hillside homes located on the southeastern edge of town?
- why the project did not plan to use a dry-brush system which is a quieter, groundwater-saving method of cleaning solar panels already in use at other solar facilities?
- why the project will maintain vegetation beneath bifacial solar modules for dust control when gravel or weed cloth would reflect sunlight more efficiently to the modules and save groundwater?

While we (finally) received answers to some of those questions in an August 11th email from PDS, some answers have yet to be provided to our group and we are just a day away from the Board of Supervisors' vote on this complex solar project. Some of the outstanding questions include the minimum acreage required to produce 90 MW of power, the feasibility of a backup power source for our town, a why an individual switchyard is needed, and whether solar panel glare will impact hillside homes. In that August 11th email, we were told the developer apparently does not want to buy the safer iron flow batteries as they are more expensive. (Instead, BayWa will use 75 potentially flammable lithium batteries and PDS will condition the project to require them to show how they will be recycled.) Perhaps PDS staff hasn't seen the recent news report about an Australian battery facility catching fire and spewing toxic fumes for 3 days.

We have also requested project modifications that would make any-sized solar facility more environmentally friendly for our residents/wildlife. These include:

- The restriction of solar facility components (solar modules, batteries, inverters, transformers) in the JVR MUP area south of scenic Highway 80. (This restriction would support the future expansion of the town near the community center/park and the Jacumba airport, and provide a larger buffer area around the existing private residence, and the airport runway that is used by glider and single engine aircraft. It would also provide a possible area for a future port of entry (POE) with Mexico.

- The restriction of solar facility components in the central Jacumba Valley area so that the community has room to grow with our designated Rural Village area.

- A setback increase to 1,000-feet along the western project boundary next to residences to 1,000-feet to mitigate impacts of mechanical noise generated by solar components and the potential heat Island effect that has been associated with very large solar facilities. (The heat island effect may raise ambient temperatures near solar arrays as much as 15 degrees). This wider setback of restored habitat with a dedicated public signed trail, would also serve as a viable North/South wildlife corridor that connects the international border with Anza Borrego Desert Park (ABDSP) lands.

- The elimination of the JVR project's 8.1-acre switchyard facilities, with underground transmission lines that would direct the JVR's generated power from the collection substation into the electrical grid via SDG&E's nearby 58-acre East County (ECO) electrical substation. (The ECO substation was designed to eliminate the need for nearby renewable energy facilities to have their own individual switchyards.)

- A direct power connection from the JVR solar facility that would provide back-up power to Jacumba when SDG&E secures our power during Red Flag warnings.

Jacumba residents have been very frustrated that BayWa developed this enormous solar project without seeking any meaningful dialogue or consensus with those who will have to live the

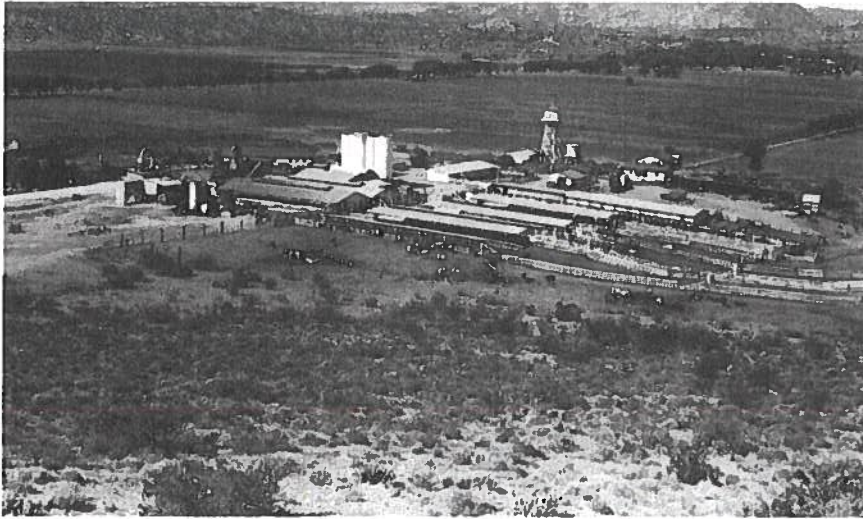
unmitigated impacts to our valued community character, the natural environment, and wildlife, and the removal of historic dairy farm structures. Now that the developer is getting real opposition from the residents, BayWa has attempted to buy community goodwill with a paltry, lump sum payment of \$250,000 to the Jacumba Community Services District (JCSD), the group that manages our community park. This “hush” money was conditioned in a “community benefits agreement,” executed by the JCSD manager without the JCSD board acceptance/knowledge of its actual language. It was a rush agreement so that BayWa could tell the planning commissioners that they had been reaching out to the community.

BayWa has and continues to minimize the community’s opposition to this town-killing solar project. They did so on May 27, 2021, when they convinced San Diego Community Power (SDCP) to enter into a 20-year, 90MW Power Purchase Agreement (PPA), which would provide that CCA with power beginning in March 2023. BayWa then used the PPA to put pressure on PDS staff and the Planning Commission to recommend approve of their project. The PC Hearing Report only praised the SDCP PPA, it included a copy of the lengthy agreement in their findings. From the community’s perspective, PDS staff’s promotion of this PPA agreement and a Project Labor Agreement (PLA) makes it appear that the “fix is in” and that BayWa knew these elements would pretty much guarantee approval of their project.

The JCSG does not believe that the JVR Community Buffer Alternative is an interim project. It takes advantage of a “loophole” in the County Zoning Ordinance that states a Major Use Permit (MUP) may granted within a Specific Planning area if it includes a bonded decommissioning plan. The PDS Hearing Report states on page 3-15 that **“prior to the expiration of the MUP for the solar facility, the applicant could apply for and receive approval of a MUP modification to authorize further use of the site as a solar facility or return to a [land] use consistent with the Zoning Ordinance.”** So, the hearing report acknowledges an industrial solar utility is not the “right” land use within our rural village boundary. Even if the project were to decommission in 2058, the massive 600+ acre JVR project will still out-last more than half of Jacumba’s ~560 residents. Also, it can be expected that a MUP modification will be requested before 2058, and its approval is practically guaranteed under the County’s push to achieve renewable energy goals. **If the large JVR switchyard (which will be turned over to SDG&E after its construction) remains after project decommissioning, there will be an industrial-scale renewable energy utility of some sort within Jacumba’s rural village boundary in perpetuity.** As a reminder, the Jacumba Valley Specific Planning land use designation was originally envisioned to support a large residential development which would bring vitality to the town and provide economic benefits to the community, not one that will destroy the town’s ability to thrive and grow.

The JVR FEIR and the PC Hearing report dismiss the important role that the Mountain Meadow Dairy and its successors played in Jacumba’s history. The largest employer in Jacumba history, it was also one of the earliest dairy farms in the county. Although a 1928 aerial photo documenting the dairy’s presence was provided during DEIR comment period, the FEIR’s Historical Resources Technical Report does not include the 1928 photo, and CEQA findings grossly minimize the

historical significance of the farm. (*Renegades, Rock Houses and Resorts...Stories of Jacumba Hot Springs and Surrounds* provides historical information about the dairy operations.) While the 90-year-old dairy buildings are certainly showing their age, that doesn't mean they aren't worth restoring and preserving, as they represent an important chapter in San Diego agricultural past.



(Left is a 1940 photo of the dairy complex.) Save Our Heritage Organization (SOSHO) submitted a comment letter to the BOS on August 16th that requests the project applicant be required to provide additional analysis and documentation to determine which dairy structures should be preserved and maintained

as part of an educational interpretative plan. The JCSG and our local Mountain Empire Historical Society (MEHS) agree with SOHO. We also request the developer be required to maintain some of the former farm buildings, provide an on-site history kiosk, and provide public access to the site via a signed community pathway or trail. This educational site, which would be financially supported by the developer for the duration of the solar project, will bring visitors to Jacumba and therefore, provide some economic benefits to the town. **The JCSG requests that no solar modules be placed of the hill where the dairy farm is located as a condition of the approval of any size solar project and that mature trees near the farm buildings be allowed to remain as well.**

While the PC Hearing Report describes Photovoltaic (PV) modules and support structures (Pages 3-11 to 3-14), it provides no specific information about the efficiency of the PV modules that the project will use, the distance between solar arrays, etc. This information is important because better solar technology equates to a smaller footprint and less impact to the community. The JCSG believes that BayWa has not been transparent about the amount of energy it will produce on a 600-acre footprint. The industry standard for solar energy production appears to be 1MW per 4 acres of land which means BayWa's project may produce up to 150 MW.

The Hearing Report and the FEIR state that due to solar panel glare/glint, the tracking behavior of some of the solar modules will be modified to mitigate visual impacts to glider operations near the airport. This behavior appears to acknowledge that some solar glare will be produced and yet the FEIR does not analyze glare impacts to hillside homes. The FEIR and Hearing Report both fail to show a graphic that depicts the modified tracking behavior of the JVR solar modules. A graphic would clarify their movement.

The PC Hearing Report and FEIR describes the installation of inverters and transformers on platforms (skids) raised due to their placement in a floodplain. Since 20 out of 25 skids will be raised up to five feet above grade, the tops of these solar components will be 15 feet tall and visual screening by a 7-foot high-slatted chain link perimeter fence will be ineffective. The project will also place 75 Battery storage containers at 25 locations adjacent to the inverters/transformers. They too will be raised above floodplain levels. **The Hearing Report and the FEIR not only minimize visual impacts, CEQA findings fail to justify the reasonableness of placing electrical elements in a floodplain.**

The JVR Community Buffer Alternative seeks County approval to put Lithium-ion batteries which have a history of thermal runaway (melting) into our wildfire fire-prone landscape. Supervisors should require that all commercial solar facilities use non-flammable, non-toxic and fully recyclable batteries such as the iron-flow battery currently being installed at SDG&E's 1 MW solar facility in Campo, CA.

The PC Hearing Report and the FEIR state that perimeter landscaping will be "18-feet-tall, 10 years after planting." This is simply not realistic. (Right is a 2021 photo of 7-year-old landscaping that is supposed to be screening the Boulevard substation. It is unlikely this landscaping will be 18-feet-tall in just three more years.)



The applicant has signed a Project Labor Agreement (PLA) which is great for the IBEW 1139 Union, but it does not provide our local Jacumba residents with any permanent jobs. (The JCSG is not against using Union labor, and IBEW workers can still be employed during the construction of a smaller, more appropriately-sized and sited solar facility.)

The FEIR and the Hearing Report state that impacts to local wildlife have been mitigated to less than significant impacts with the 600-acre project. However, several wildlife agencies have submitted letters to the BOS stating their support for a smaller solar project footprint or no project due to their wildlife concerns. Residents in Jacumba do not believe the existing SDG&E transmission corridor that bisects the JVR MUP area is a viable east-west wildlife corridor between two fenced project areas. After thirteen months of project construction: grading, pile driving, the presence of up to 500 workers per day, etc., there won't be any wildlife in the vicinity that would use the barren terrain beneath three high-voltage transmission lines as a corridor. Nor will they utilize the project's miniscule 50 to 100-foot-wide wildlife crossing (or escape route/opening) that would funnel wildlife into the SDG&E transmission corridor.

Based on the comments of experienced glider pilots like Alasdair Mullarney, the JCSG believes that the Community Buffer Alternative even with its modified solar panel tracking to reduce glare, will still add unnecessary and dangerous electrical elements into the airport's flight path. Because page 3-23 of the PC Hearing report, does not mention of a 20 degree east facing modified wake angle for solar panels placed south of Hwy 80, as described in the FEIR, this adds confusion about the actual tracking behavior of solar panels. The JCSG continues to request that solar facility components are not placed south of scenic Hwy 80 and along three sides of the Jacumba airport runway to avoid adding safety issues during glider launch and landings. We further request this portion of the MUP area remain open for future community/airport expansion, and a future Port of Entry (POE) with Mexico.

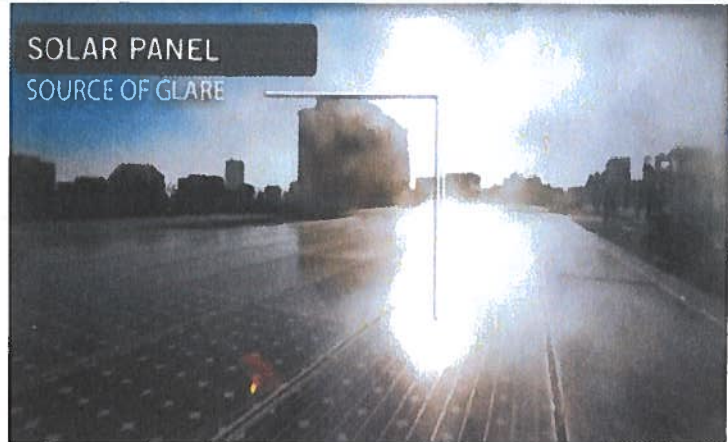
As stated elsewhere, the JCSG opposes the inclusion 8.3-acre switchyard facilities in the JVR MUP. The nearby 58-acre SDG&E East County Electrical Substation, brought online in 2015, was designed to: "Provide an interconnection hub for renewable generation that eliminates the need for multiple generator-owned or operated switching stations along SDG&E's existing SWPL 500 kV transmission line." https://www.dudek.com/ECOSUB/TuleAED/Appx_C_NOP.pdf. We believe the JVR switchyard is unnecessary, and it adds yet another wildfire risk within Jacumba's rural village area. The JCSG requests that the approval of any size JVR solar utility be conditioned on the undergrounding of electrical transmission lines from the collector substation to the ECO Substation. The PC Hearing report also asserts the JVR switchyard is visually consistent in size and scale to similar uses in the surrounding area, but it fails to provide a visual simulation of the switchyard. It also identifies the ECO Substation as a similar use although the ECO substation is two miles distant and is not visible from Jacumba.

The PC Hearing report describes the JVR project as a low-intensity type of non-residential development compatible with existing land use. This is just not true. (Most sane people would not describe the visual blight created by the project as a "low intensity use.")

The JCSG does not agree CEQA findings that the former Mountain Meadow Dairy/Ketchum Ranch acreage is not significant farmland. Using the County's LARA Model, a low rating in the land use consistency is the limiting factor that leads to that erroneous CEQA finding. This is wonderful farm land with 65 years of agricultural use and sufficient groundwater resources to support that land use. Of course, the larger parcels on the farm are not consistent with the small lot sizes in town but both have been compatible land uses since the 1920s!!! With the conversion of agricultural land to urban uses, the County leaders should not be so quick to concede this farmland to a permanent solar facility.

The Hearing Report states on page 3-26, that solar panels will be treated with an anti-reflective coating to minimize glare. The JCSG is concerned that the effectiveness of the anti-reflective coating will diminish after baking in the sun after 15 or 20 years. Therefore, the glare impact from

the solar panels will increase significantly. Right is an illustration of solar panel glare taken from the 2021 glare study found in the FEIR Visual Resources report. The County should require the developer to periodically reapply the anti-glare coating as a condition of approval of any size solar project (if feasible).



The Hearing report and the FEIR have approached the project's projected construction and annual operational groundwater usage by requiring the monitoring of wells. Climate change impacts are reducing annual rainfall amounts and this negatively impacts the recharge of our shared local aquifers. As a result of our current severe drought conditions, the County should require all industrial solar facilities conserve their annual water usage. This could be accomplished through innovative panel cleaning techniques (dry brush systems) that use no water or 90 percent less water than traditional, noisy power washing systems pulled around the solar array field with a truck. These dry brush systems which attach directly to the solar panels are powered by the energy produced by the panels themselves. They are currently in use by the solar industry and a sponsor group should not have to educate PDS staff about BMPs.

The JCSG believes the PC Hearing report and the FEIR have chosen to minimize the findings of studies conducted on the "Heat Island Effect" that pertain to large scale solar utilities. CEQA findings are not concerned about the placement of hundreds of acres of super-heated solar panels adjacent to Jacumba residences. If the solar modules are 20 to 30 degrees F hotter than ambient temperatures (which have reached 110 degrees F in August), and the heat will not disperse until more than 1,000 feet from the heat source, then project setbacks from residences need to be increased. **County Supervisors should condition project approval of any size solar project on wider 1,000-foot buffers so that elderly and disabled Jacumba residents without air-conditioning, do not suffer from preventable temperature increases.**

The PC Hearing report and the FEIR states that the Community Buffer Alternative is constant with the goals and vision statements found in the Mountain Empire Sub-regional plan. This is non-nonsense. See excerpts from the sub-regional plan below.

"The community supports new development that preserves the natural and historical environment, including water resources, and protects existing neighborhoods, manages growth to reinforce the rural character of the area which includes agriculture, open space, and trails..."

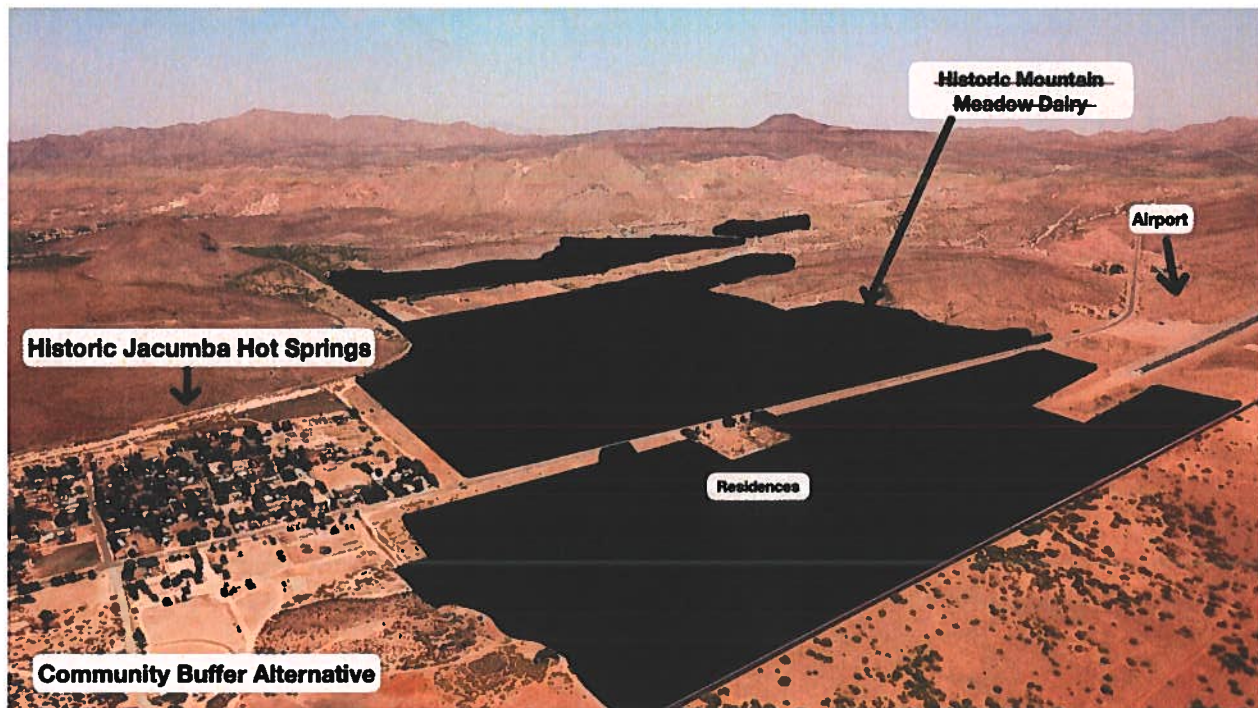
“Provide a land use pattern that will accommodate the forecast population increase, while retaining the rural charm of the present living environment.”

“Single family residential development on large lots outside the rural village with undeveloped meadows, open spaces, and hillsides. The ability to experience large open spaces and views to distant hills is essential to the preservation of the areas present quality of life.”

“Industrial development is not compatible with the goal of maintaining the rural character of the sub-region...”

“The Ketchum Ranch Specific Plan is a multi-use residential community with recreational and visitor-oriented commercial uses on approximately 1,300 acres that would be in harmony with the existing town, a plan sensitive in its design to the natural and historical resources of the Jacumba area.”

The Community Buffer Alternative, a 604-acre solar facility with 280,000 solar modules, battery storage containers, etc., is not compatible with Jacumba’s valued community character which includes natural landscapes, maintenance of historical resources (Dairy Farm) and its vision for the future. (See visualization of the proposed 600-acre JVR below.)



The PC Hearing Report acknowledges that Community Buffer Alternative will not adequately mitigate impacts to aesthetics, visual resources, and mineral resources. So, a Statement of Overriding Considerations is part of that report. The sponsor group does not believe that a signed PPA and PLA justify the approval of the poorly planned, overly large JVR solar facility. Our group does not believe that any solar facility should be approved because “The project would enhance

the County's reputation as a leader in the development and deployment of innovative energy and solar technologies." **The placement of any industrial-scale solar facility next a poor community should only be approved after careful and thoughtful examination using a lens of fairness that considers the health and welfare of the residents and businesses that it will forever negatively impact.** If the Community Buffer Alternative and the Statement of Overriding Considerations are approved, supervisors will affirm that significant impacts to quality of life for our diverse, and economically disadvantaged community are not important because green energy is needed for affluent urban areas. Jacumbains know that even a much smaller renewable energy project would never be approved next to a richer community where land value is at a premium.

The JCSG believes that there could be a path forward for a smaller solar project if the Board of Supervisors denies the original 600-acre JVR project and its associated Statement of Overriding Considerations. Supervisors must also condition the approval of any subsequent solar project to a much smaller footprint, and one that provides some real community benefits, and one that protects the right for Jacumba to grow. **It is okay to require the recirculation of a revised EIR, if the end result is a more thoughtfully planned project that provides a win for both sides.**

Even the most ardent green energy supporters are appalled when they are shown the visual impact of a solar facility six times the size of our village. **County Supervisors must protect and preserve a reasonable future for Jacumba Hot Springs.**

Cherry Diefenbach

Chair, Jacumba Community Sponsor Group

From: Gitte Russo <gitterusso@gmail.com>
Sent: Wednesday, August 18, 2021 9:02 AM
To: Slovic, Mark; FGG, Public Comment; Anderson, Joel; Kazmer, Gregory; Desmond, Jim; Mills, Benjamin; Lawson-Remer, Terra; Andrade, Evelyn; Petterson, Cody; Vargas, Nora; Flores, David; Fletcher, Nathan (BOS); Wier, Emily; mayortoddgloria@sandiego.gov; nzorilla@sandiego.gov; SDAF - Margit Whitlock
Subject: [External] NO JVR ENERGY PARK AUGUST 18

Dear Supervisor Joel Anderson,

I am writing to you pleading for your support by rejecting the proposed 630 AC Solar Farm that will completely surround the 100 AC historic town of Jacumba.

Although founded in the early 1920s, Jacumba Valley has a rich history dating back thousands of years with occupation by the Kumeyaay Nation, then fast forward to 1785 when California Governor Don Pedro Fages's entourage stumbled upon Jacumba Valley in search of water. Today Jacumba Hot Springs is a historic community built around the healing hot spring water uniquely found in the area, but it struggles to survive. When Highway 8 was built bypassing Route 80, the town became one of the lowest income communities in San Diego County. This project will completely surround this at-risk community, devastate its only economic engine (tourism) that is under extensive revitalization right now and permanently turn a beautiful rural community into an industrialized utility wasteland. Jacumba sits over one of California's largest aquifers. The heat alone from the Solar Farm will destroy the ecosystem that replenishes the aquifer and the wildlife. Because this Solar Farm is un-maned, there will not be any new jobs to help sustain the town's economy. This request is not with a NIMBY agenda, just a plea for equitable, low environmental and community impact development that respects community input.

Thank you,

Gitte Russo

Urban Admin
619.987.0738 | gitterusso@gmail.com

From: Jeffrey Osborne <jeff@jacumbahotsprings.com>
Sent: Wednesday, August 18, 2021 1:17 AM
To: FGG, Public Comment
Cc: Slovic, Mark
Subject: [External] JVR ENERGY PARK
Attachments: Points Not Considered in EIR.pdf; IMG_8470-1.jpg; IMG_8492-1.jpg; IMG_8500-1.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

These attached public view points were never analyzed in the EIR, including the location at our local park, with a picnic bench.

Neither was the road Snob Hill and surrounding hill-sides where many residents live, walk, enjoy the view.

Also these attached issues were not addressed in the EIR either.

Jeff

Wildfire

The EIR's discussion of wildfire impacts ignores the Project's impacts on firefighting, both on the ground (as ground crews must avoid electrified facilities due to the hazard of electrocution) and in the air (as low-flying retardant-delivering aircraft must avoid areas with power lines, particularly in smoky conditions).

GHG

The EIR ignores two significant greenhouse gas (GHG) emissions from the Project. First, it ignores the emissions from wildfires caused by remote, industrial-scale energy facilities such as the Project and their power lines. Many of the worst wildfires in San Diego County history were caused by power lines, including the Witch and Pines fires. Second, the EIR ignores the Project's "life cycle" emissions, including those from the manufacture and transport of the solar panels and related infrastructure, and their decommissioning. Because of the Project's enormous scale, these solar panels would likely not be manufactured otherwise. Therefore, this Project will directly cause the production of solar panels and related infrastructure, and that production will create GHG emissions that the EIR ignores.

Project Objectives

The EIR's Project objectives are drawn so narrowly they preclude alternatives that would attain most of the Project's basic purposes. According to the EIR's narrow definition of the Project's objectives, the only project that would suffice is a 70-90MW renewable solar project large enough to bring in the maximum federal tax credit within San Diego County, and also maximize the developer's profits (under the guise of "feasibility"). These restrictions needlessly preclude less impactful options that would achieve most of the Project's purposes, such as (1) distributed generation including roof-top solar installed where energy demand is greatest, in urban areas, and (2) smaller-scale solar development that would substantially reduce the footprint, increase the setbacks, and lower the height of the solar panels, thereby substantially reducing their aesthetic, wildlife and other impacts.







From: Patty JM Davidson <pattymd99@gmail.com>
Sent: Wednesday, August 18, 2021 9:19 AM
To: Slovic, Mark; FGG, Public Comment; Anderson, Joel; Kazmer, Gregory; Desmond, Jim; Mills, Benjamin; Lawson-Remer, Terra; Andrade, Evelyn; Petterson, Cody; Vargas, Nora; Flores, David; Fletcher, Nathan (BOS); Wier, Emily; mayortoddgloria@sandiego.gov; nzorrilla@sandiego.gov
Subject: [External] NO JVR ENERGY PARK AUGUST 18

Please reject the proposed 630 AC Solar Farm that will completely surround the 100 AC historic town of Jacumba especially if there will be an issue with shorter supply of water in the aquifer.

Patricia Davidson
San Diego

To: San Diego County Board of Supervisors

From: Friends of the Jacumba Library

P.O. Box 186

Jacumba Hot Springs, CA 91934

RE: JVR SOLAR PARK

To the San Diego County Board of Supervisors:

We, the Friends of the Jacumba Library, are writing to voice our opposition to the proposed JVR Solar Park.

All of the members of our Friends board have been involved in countless community improvement and outreach projects, devoting precious time and energy to sustaining our challenged community. By approving this project, the Board of Supervisors would almost instantly nullify all of that hard work and condemn our community to the dustbin of history.

Most of the community would agree that the Jacumba Library is the beating heart of this community. In a small town of underprivileged and economically impoverished residents, the library is a beacon of light in age of dark misinformation, providing access to truth as well as a temporary escape for the community to fuel its fantasies and dreams. Within the walls of the library, people search for new jobs, reconnect with lost loved ones, and draft blueprints for their dream homes, gardens, or chicken coops. Here weary travelers and wide-eyed tourists find a cool respite from the unforgiving summer sun, marveling at the wilderness unfolding at what seems like just the edge of humanity. The Library being the heart of Jacumba Hot Springs, the wild desert which surrounds it is certainly its soul. From the shade of the library porch looking eastward, patrons are comforted by a vast beautiful desert which soothes the eye and the spirit. Young readers venturing into other worlds via the words on a page can glance out the windows and visualize the magical characters and places painted upon a canvas which the open space provides, their imaginations soaring like the wise owls, hunting hawks, and peaceful doves who would be forever misplaced if this project were approved. Children climbing upon the monkey bars of the neighboring community park who once victoriously reached the top to gaze upon a serene desert teeming with hidden life, will instead set their eyes upon a dead and barren sea of metal and glass - that is if they are not blinded by the reflective glare.

We understand that this statement may be written in a language we are not used to speaking in situations like this; it is not the language of numbers and statistics and dollar signs; so many others will write and speak the truths to you that this project will drive a final nail into the economy of this struggling town, how it will destroy the homes of hidden wildlife surviving in a seemingly uninhabitable desert, how tourist opportunities many have invested fortunes revitalizing will dissipate like a fading oasis in the desert air. Instead, I will speak to you in the language we speak as the Friends of the

Library, as patrons of the arts and letters. Literacy will plummet, which is proven to lead to an increase in crime, because by destroying a communities dreams, you will be leaving only its nightmares. The creative spirit and intellectual curiosity of this town, thriving in the harshest of circumstances as a diamond amidst the coal, will finally cease to shine. The door count at the library which we have held so many fundraisers and events to so proudly boost up, will plummet. As we library supporters witness so often, lets speak in the language of a mother reading a stack of her child's favorite books; this project would be the equivalent of deforesting Pooh Bear and Christopher Robins Hundred acre wood, Captain Hook and the Pirates surrounding and invading Peter Pan and his Lost Boys in Neverland, or Lex Luthor destroying Superman's hometown of Smallville so that an already thriving Metropolis can continue its cancerous growth.

This is a battered and beaten town, but it is in the process of healing; In a place with so few resources, please dont take away the last remaining resources it holds so dear, its connection to the natural world which is its medicine. This community has already suffered so many blows and has thus far managed to survive, but this project would be a blow from which it will never recover. A once flourishing town will be bypassed for the final time, just as it is finally becoming a mecca for the next generation of creative nomads and spiritual seekers who are discovering its beauty. The proposed solar park would finally close in on its expanding heart and close the opening imaginations of its poor villagers; please leave the future generations the scent of the chaparral and the distant song of the howling coyotes.

Respected members of the Board of Supervisors, we the Friends of the Jacumba Library are begging, pleading that you do not approve this project as it is. If it must be approved, it must be modified in a way which can sustain this town as well as the cities it will be powering, and enrich this community some fraction of the way it will be providing vast profits to the outside parties who will be growing rich from exploiting our communities natural resources we hold dear.

The community of Jacumba Hot springs can shine, as long as they dont steal our sunlight.

Thank you,

The Friends of The Jacumba Library

Richard Morrison, President

Tammy Daubach, Vice President and Treasurer

Murphy Smith, Secretary

A handwritten signature in black ink that reads "Murphy Smith". The signature is written in a cursive, flowing style with a large initial "M" and a stylized "S".

From: Cody Hooven <CHooven@sdcommunitypower.org>
Sent: Wednesday, August 18, 2021 10:21 AM
To: FGG, Public Comment
Cc: Bill Carnahan; Kimberly Isley
Subject: [External] Support for Item #1 Baywa JVR Energy Park
Attachments: SDCP Baywa project County Vote 081821 final.pdf

Please see attached letter in support of Item 1 on today's Board agenda.

Thank you,
Cody

Cody Hooven
Chief Operating Officer

Mobile 808.277.6481

sdcommunitypower.org





815 E Street
San Diego, CA 92112
sdcommunitypower.org

August 18, 2021

Re: Baywa RE JVR Energy Park

Dear County Board of Supervisors,

I am pleased to express our support for this proposed new renewable energy project in San Diego County that, among other things will improve grid resiliency through added battery storage.

SDCP is the new, regional Community Choice energy program in San Diego County representing families and businesses in 5 cities (Encinitas, La Mesa, Imperial Beach, Chula Vista and the City of San Diego). We currently represent nearly half of SDG&E's energy load and have ambitious renewable energy targets above State and targets and what SDG&E currently provides.

With the likelihood that our service area will expand over the coming years we expect the need to procure a significant amount of renewable energy, and most of that in the form of long-term contracts. We're excited about projects like JVR Energy Park because they are new projects – creating new jobs and new, clean energy right here in our county, that will serve the folks living in this region. Our Board has already approved this project and a few other solar plus storage projects, with more to come.

Every day we read reports on the increasing threat of climate change and we are glad to be doing a small part to reduce our collective impacts.

It will take projects like this, as well as an ambitious approach to distributed renewable energy and storage, to meet the climate targets in a way that remains affordable to the families and businesses we serve.

We're pleased that the power to come from this project can be kept locally rather than sold to others around the State who are also trying to meet the same mandates. We look forward to your Board's consideration of this important item.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Carnahan", with a long, sweeping horizontal line extending to the right.

Bill Carnahan
Interim Chief Executive Officer



From: Douglas Evans <dcevans43@gmail.com>
Sent: Wednesday, August 18, 2021 12:22 PM
To: Anderson, Joel; Desmond, Jim; Lawson-Remer, Terra; Vargas, Nora; Fletcher, Nathan (BOS)
Cc: Kazmer, Gregory; FGG, Public Comment; Slovick, Mark; Mills, Benjamin; Andrade, Evlyn; Petterson, Cody
Subject: [External] VOTE NO JVR ENERGY PARK

Dear Supervisor Joel Anderson, Supervisor Jim Desmond, Supervisor Terra Lawson, Supervisor Nora Vargas, and Supervisor Nathan Fletcher:

I am opposed to the JVR Energy Park near Jacumba, CA. I do not support the destruction of an entire community when there are plenty of other ethical renewable energy projects to choose from. I urge you to vote NO regarding the JVR Energy Park.

Best regards,

Douglas Evans
San Diego County Resident
Carlsbad, CA

From: Tim Shields <shieldstimothy@gmail.com>
Sent: Wednesday, August 18, 2021 12:28 PM
To: Fletcher, Nathan (BOS)
Cc: Wier, Emily; FGG, Public Comment; Slovick, Mark
Subject: [External] VOTE NO JVR ENERGY PARK

Follow Up Flag: Follow up
Flag Status: Flagged

To Whom It May Concern:

In a world where state and global governments are lying and going against the will of the people, please side with the people and restore some of our hope in politics. Please vote no on the JVR Energy Park. This is not a welcomed plan. Please preserve the sanctity of this land.

Thank you,

--
Tim Shields
Create + Travel + Inspire + Love
www.acuriousyear.com