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To: [Harris, Susan](mailto:Harris,Susan)
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Subject: JVR Energy Park DEIR Comment Letter from California State Parks
Date: Monday, December 07, 2020 3:09:04 PM
Attachments: [image001.png](#)
[State Parks Comment Letter on DEIR JVR Energy Project Final signed.pdf](#)

Hello Susan,

Please accept the attached letter for consideration by the County of San Diego and the JVR Energy Park project applicant as comments submitted on behalf of California State Parks' Colorado Desert District and Anza-Borrego Desert State Park for inclusion in the project's environmental impact report. Confirmation of receipt would be appreciated.

Please let me know what question you may have and if a Word document of the comment letter may be useful to you. I can also forward along the hard copy should that be helpful.

On behalf of the Colorado Desert District staff, I want to thank you for the opportunity to participate in this process. I personally appreciate the working relationships we've developed and have enjoyed our meetings, site visits, and phone conversations.

Sincerely,
Terry

Terry Gerson
District Services Manager
California State Parks Colorado Desert District
200 Palm Canyon Drive
Borrego Springs, CA 92004
760-767-4960





DEPARTMENT OF PARKS AND RECREATION
COLORADO DESERT DISTRICT
200 PALM CANYON DRIVE
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Armando Quintero, Director

December 7, 2020

County of San Diego
Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

PROJECT NAME: JVR ENERGY PARK
PDS2018-MUP-18-022
SCH No. 2019039044
LOG NUMBER: PDS2018-ER-18-22-001

To County of San Diego Staff, Nicholas Koutoufidis, and Susan Harris:

The staff of the California Department of Parks and Recreation (CDPR) at Colorado Desert District that manages Anza-Borrego Desert State Park would like to extend our sincere thanks for the cooperation and inclusion provided by San Diego County planning and environmental staff and that of the Dudek staff throughout the analysis process. The site visits and meetings were open and informative and the work accomplished together was friendly and gratifying.

What follows are the recommendations CDPR would like to offer the project applicant and the County of San Diego for solutions to some of the significant and non-mitigatable negative environmental impacts. These solutions would provide long term benefits to the residents of Jacumba Hot Springs, to San Diego County and people of California, and CDPR in its mission to provide for the health, inspiration and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation.

After those suggestions, CDPR would like to provide portions of our original comment letter dated April 22, 2019 for inclusion in the final record of the JVR Energy Park Environmental Impact Report (EIR).

MITIGATION AND LONG TERM PLANNING RECOMMENDATIONS

CDPR sees opportunity for beneficial long term planning and mitigation measures should the JVR Energy Park project move forward. Park access, especially to underserved and economically challenged communities such as Jacumba Hot Springs would benefit through planning by the project applicant to link with roads and trails

public easements through their property and onto state park lands that are adjacent and potentially planned for the project as buffers.

Anza-Borrego Desert State Park (ABDSP) could benefit from financial endowments as part of the mitigation measures that JVR Energy Park project planners may need to incorporate into the final EIR. ABDSP or its partner, the Anza-Borrego Foundation could be considered for project owned land transfers in fee title for land CDPR determines is desirable and beneficial to the mission of CDPR to provide for the health, inspiration and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation.

As the entire project area has been determined by the County of San Diego to be an interim land use designation, long term mitigation planning might include the transfer of the entire site for incorporation into county open space, regional park land, or ABDSP itself, once the planned 35-year project life span has ended and all surface and subsurface project infrastructure has been removed and the land restored to its original condition as required in the EIR. Inclusion into ABDSP could be facilitated by mitigation endowment funds for visitor services improvements, park staff, and long term operations and management.

Wildlife corridors around and through the project footprint itself could be mitigation measures that benefit species of concern and federally listed endangered species like the big horn sheep. Another wildlife corridor mitigation measure could be an endowment fund set up to eventually fund construction of a wildlife overpass near the project area determined by wildlife biologists from California Department of Fish and Wildlife, the US Department of Fish and Wildlife, and CDPR to be beneficial to the safe movement of wildlife over Interstate 8.

ABDSP, the people of California, San Diego County, and Jacumba Hot Springs would benefit from a visitor center in the area that interprets the natural, cultural, historic, and prehistoric elements of the region. Mitigation measures planned for the JVR Energy Park could include setting aside land determined to be a desirable location for such a building by CDPR or set aside an endowment fund for the eventual construction of such a building on state park lands.

Through careful consideration of necessary mitigation measures required by the EIR for the JVR Energy Park, much state and local benefit could be realized by long term planning for preserving and protecting natural, cultural, and recreational resources in, adjacent, and around the project site. Although not identified in the DEIR, it is possible for Jacumba Hot Springs to once again be a port of entry and international gateway with Mexico. Should the federal government move forward with such planning in the near or distant future, consideration of the ramifications of this potential eventuality must not be ignored as it relates to the interim land use designation the project site has, especially once the planned 35-year lifespan ends.

BIOLOGICAL AND NATURAL RESOURCES:

Habitat, Biodiversity, and Wildlife Connectivity: In 2007, The Nature Conservancy purchased the 1,080 acres adjacent the proposed project area as an interim step in transferring ownership to California Department of Parks and Recreation. In 2012, title was transferred to the Anza-Borrego Foundation to hold until the State of California was ready to accept the transfer. The Nature Conservancy recognized this area as internationally significant in terms of biodiversity and as an important linkage between biologically rich Mediterranean habitat in Southern California and Northern Baja California plant and animal communities. Development such as this project in the San Diego border region fragments habitat and threatens wildlife corridors between these communities.

In a report released in June of 2007, The Conservation Biology Institute identified three objectives of the 2007 acquisition by the Nature Conservancy:

- 1) Conserve habitat designated as the Southeast San Diego recovery unit (Jacumba habitat complex) for the federally endangered Quino checkerspot butterfly (*Euphydryas editha quino*) (USFWS 2000);
- 2) Buffer the entrance to the Carrizo Gorge which provides a water source for the federally endangered and state threatened Peninsular bighorn sheep (*Ovis canadensis nelsoni*);
- 3) Build a connection between the Carrizo Gorge in ABDSP and the international border to maintain landscape-scale connectivity functions in this region of San Diego County and cross border connectivity with habitat in Baja California.

In light of these objectives identified when the property was first acquired for preservation, the proposed could negatively affect the biological resources of the area.

The environmental review of this project must include the wildlife connectivity through the Peninsular Ranges between Mexico and the United States.

Temperature: *The Photovoltaic Heat Island Effect: Larger solar power plants increase local temperatures*, a 2016 article from the journal *Nature* describes effects of +3-4°C over wildlands temperature due to changing vegetative structure, reflective value, and may ultimately become a “heat island” in arid ecosystems.

<https://www.nature.com/articles/srep35070#article-info>

Precipitation: Another 2016 article from the journal *Nature*, *Impact of solar panels on global climate*, indicated that in one study simulation, solar panels resulted in a 20 percent decrease in precipitation in the desert and arid environments.

<https://www.nature.com/articles/nclimate2843>.

Water and Hydrology: Potential for reduced precipitation by the project and groundwater depletion by the project's construction and ongoing maintenance should be evaluated in the larger context of potential watershed impacts to Carrizo Creek, Carrizo

Canyon, and Carrizo Marsh in ABDSP. Analysis and restoration efforts in the Carrizo watershed and biologically important riparian areas may be significantly impacted by groundwater depletion. The project could potentially alter existing drainage patterns and absorption rates. The project could potentially degrade water quality in the basin.

Riparian areas: The area looks to be within natural southern drainage of the Jacumba and In-ko-pah Mountains, and Carrizo Gorge. The riparian drainage route could potentially affect both San Diego and Imperial counties, including the communities of Jacumba Hot Springs and Ocotillo. This project area could also potentially interrupt natural drainage flow lines through the area. The project could affect the amount of surface water or natural bajada areas, often used by wildlife and rare plant communities.

Storm water runoff: The proposed project appears to be in a flood zone. Project area may create, increase, or contribute to runoff greater than the surface runoff, causing increased flooding on or off site. Evaluation of related impacts and drainage issues are of concern to ABDSP as they may impact park access points.

Soil: Vegetative removal, project construction and road building during the project, to include ongoing infrastructure and road maintenance will create dust and potential erosion of already fragile soil types. Soil degradation including increased wind or water erosion, salinity, loss of organic matters, fertility decline, pH level, compaction, surface sealing, and mass movement or contamination, should all be evaluated for impact.

Air Quality: This area is located within the San Diego Air Basin. The area is subject to frequent hazy conditions at sunrise, followed by rapid daytime dissipation as winds pick up and the temperature warms. Natural air flows could be interrupted by the proposed project. Dust potential throughout the life of the project needs to be evaluated for impact on air quality, ABDSP, its visitors, wildlife, and plant communities.

Light: Impacts resulting from the vast area of reflective panels on ambient light levels should be evaluated for impacts to wildlife visitors, including birds and insects. Wildlife may mistake the large solar array as water, thereby diverting migrating birds and insects in search of water and rest.

Biologic Resources – Although the area is fallowed agricultural fields, the area provides suitable habitat and nesting for approximately 60 migratory birds and other year round dwelling plant and animal residents or habitat types.

Source: <https://apps.wildlife.ca.gov/bios/?tool=cnddbQuick>; List CNDBB Species for Jacumba Quad. April 2019).

ARCHAEOLOGICAL AND CULTURAL RESOURCES TOPICS:

Prehistoric Cultural Resources: Four recorded archaeological sites, including one rock art site, may overlook the project and could have their native setting impacted by the project.

Setting is used to evaluate site integrity when determining eligibility for the National Register of Historic Places and is defined by National Parks Service as “the physical

environment of a historic property that illustrates the character of the place. Integrity of setting remains when the surroundings of an aid to navigation have not been subjected to radical change. Integrity of setting of an isolated lighthouse would be compromised, for example, if it were now completely surrounded by modern development.”

These four sites have not been evaluated for the National Register of Historic Places, but if they are eligible this project could affect the setting and therefore their integrity.

It is important that a qualified archaeological survey team visit all the sites and see if they overlook the valley and proposed solar installation. If so, it is very important that these sites be evaluated for eligibility for the National Register of Historic Places to determine how the solar installation may affect that eligibility. Colorado Desert District archaeologists can assist a team of qualified archaeologists in this effort.

RECREATION AND PARK TOPICS:

CDPR is tasked with expanding access to parks and making parks relevant to all Californians. CDPR is concerned that visual impacts to the view shed, sense of place, and setting of the ABDSP land adjacent to the project will negatively impact potential visitor use of that park land. The sheer magnitude of this large solar project may permanently negatively impact the visitor experience because the project will be so visible and present, even while in the park. Careful consideration and evaluation of those impacts on park land and park visitors is very important.

Since the project is directly adjacent to the park, access issues need to be evaluated. The question as to whether the change in land use and the necessary general plan amendment is in the best interest of the citizens of Jacumba Hot Springs, San Diego County, and California needs to be fully addressed.

Wilderness: The California Wilderness Act begins with the following language: “In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas on state-owned lands within California, leaving no areas designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the State of California to secure for present and future generations the benefits of an enduring resource of wilderness.” The proposed project area sits directly adjacent to California State Parks designated Anza-Borrego Desert State Park Wilderness.

HEALTH AND UNDERSERVED COMMUNITY TOPICS:

Access to parks, nature, and the outdoors is documented as necessary for the health of children and adults. In the February 2015 publication, *A New Vision for California State Parks, Recommendations of the Parks Forward Initiative*, recommended actions include expanding access to parks in underserved areas. The proposed project may negatively impact that access for the underserved in the community of Jacumba Hot Springs and should be evaluated.

PROJECT INFRASTRUCTURE:

The proposed project size and proximity may negatively affect State Park land aesthetics, view shed, dark sky designation, and recreation potential. The infrastructure impact of a project this size in a rural setting should be carefully considered. How will people be impacted by the project and does it warrant the change in land use and general planning that the County of San Diego has already in place?

Please keep me informed as the environmental review and planning processes continue. If you have any questions, please contact Terry Gerson.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ray Lennox", with a stylized flourish at the end.

Ray Lennox
District Superintendent I (Acting)
Colorado Desert District