

## **Response to Comment Letter I117**

### **Cherry Diefenbach**

- I117-1** The comment is a cover email to the attached comment letter regarding the Draft EIR for the proposed JVR Energy Park Project. The commenter states this project does not fit into our rural landscape and “will swallow Jacumba, destroy community character, and forever limit the town’s ability to grow in size.” The commenter further states the No Project alternative is clearly the right choice for the County Supervisors. In response, the comment provides an introduction to the comments that follow. The County acknowledges the commenter’s opposition to the Proposed Project. The comment does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I117-2** The commenter states that the JVR CEQA process has been flawed due to COVID restrictions. The commenter also states “buried on page 2” of the Notice of Availability regarding the Draft EIR was notification of an October 28, 2020 on-line/phone-in meeting held by Planning and Development Services and the comment submission deadline. The commenter then states under normal non-COVID times, it is likely the meeting would have been held at the community center where Jacumba residents would have had an opportunity to ask questions. The commenter further states the “DEIR notice of availability letter should have been mailed to all Jacumba PO boxes.” In response to the comment regarding the on-line/phone-in meeting, due to the coronavirus (COVID-19) public health emergency the County of San Diego changed how it conducts many of its essential services and programs, including public meetings. Public meetings take place telephonically or electronically without the need for the public to attend in person. Thus, the Draft EIR public meeting was held electronically and with the ability for members of the public to participate by telephone. In regard to the comment that the Notice of Availability should have been mailed to all Jacumba PO boxes, CEQA Guidelines section 15087(a) requires a lead agency to provide notice of availability of a Draft EIR through direct mailing to any individuals or organizations that have registered interest in the Project to the County, and at least one of the following methods: (1) publication in a newspaper of general circulation, (2) posting of notice on and off site in the vicinity of the Project, and (3) direct mailing to owners and occupants of property adjacent to the Project site. The Notice of Availability for the Draft EIR was mailed to all property owners within 500 feet of the Project boundary. For the notification for this Project, if the property owner had a separate owner address (in addition to the situs address) filed with the County Assessor’s Office, the County mailed the notice to the owner’s address. Many of these were P.O. box

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- addresses. In addition, notices were mailed to individuals or organizations who registered interest in the Project to the County. Further, the provisions of Executive Order N-54-20 (issued April 22, 2020) relating to CEQA noticing, as extended by Executive Order N-80-20 (issued September 23, 2020), allow CEQA’s noticing requirements in CEQA Guidelines section 15087(d) to be satisfied through posting of the notice of availability and the Draft EIR on the agency’s public-facing website and the State Clearinghouse CEQAnet Web Portal, and outreach to parties interested in the Proposed Project. The County complied with each of these procedures.
- I117-3** The commenter states that “while an on-line public meeting might provide a viable meeting format in more affluent communities, many of Jacumba’s residents don’t have their own personal computers, their own internet access, or even smart phones.” The commenter also states that a large number of residents rely on computer access at the Jacumba Branch library which was closed the day of the on-line public meeting. In response, as explained above in Response to Comment I117-2, due to the coronavirus (COVID-19) public health emergency, the County was not able to hold an in-person public meeting. The on-line public meeting regarding the Draft EIR held on October 28, 2020 was accessible by telephone and did not require a smart phone. The format of this public meeting was consistent with other public meetings held by County during the public health emergency.
- I117-4** The commenter states that the online/phone-in public meeting/teleconference held on October 28, 2020, was “a huge disappointment—questions raised during the meeting were not recorded.” The commenter also states that the PDS planners who hosted the on-line meeting simply referred people with questions to a specific area of the Draft EIR. The commenter further states with a meeting format that kept participant’s microphones muted except for the person making the comment, it was not a real exchange of ideas. In response, as explained in Response to Comment I117-2, it was not possible to hold an in-person public meeting due to the coronavirus public health emergency. To ensure meeting participants had an opportunity to speak and were not interrupted, other participants were muted except for the person making the comment. This format ensures that County staff are able to clearly hear all participants’ comments. The County staff that hosted the meeting informed all participants throughout the on-line public meeting that the meeting was not being recorded and comments on the Draft EIR must be submitted in writing to the County.
- I117-5** The commenter states that a printed copy of the Draft EIR and a flashdrive with the appendices were placed at the Jacumba Branch Library. The commenter further states that given the library’s reduced hours and limited days of operation due to COVID restrictions this placement did not provide “ample opportunity for local residents to participate in the CEQA process.” The commenter also states that the library was closed

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from October 28 through November 3, 2020. In response, the Draft EIR and appendices were available on the County's website at [http://www.sdcountry.ca.gov/pds/ceqa\\_public\\_review.html](http://www.sdcountry.ca.gov/pds/ceqa_public_review.html). In addition, the Draft EIR public comment period was extended from 45 days to 60 days (October 8 through December 7, 2020) in response to a request to extend the public review period. Please refer to Responses to Comment letter I84.

- I117-6** The commenter states on October 29, 2020 the Jacumba Sponsor Group held a virtual meeting, which included a discussion of the Draft EIR, was attended by less than five members of the public due to COVID restrictions. The commenter further states as a result of an inadequate CEQA process, “the community of Jacumba has been disenfranchised, and it will have very little meaningful input about this massive industrial energy project that will negatively affect their quality of life.” In response, due to the coronavirus (COVID-19) public health emergency, public meetings are being held electronically. The County has followed the required notification procedures for public review of the Draft EIR. A total of 136 comment letters were received from individuals during the public review period for the Draft EIR.
- I117-7** The commenter provides background information regarding the Jacumba community. The commenter states that the community values their quiet rural setting and its open space and have watched with alarm as the natural landscape has been filled with transmission lines, the ECO substation, and solar farm two miles east of town. The commenter also states local businesses have closed and the local elementary school has been mothballed due to declining enrollment. The commenter further states the new owners of the Jacumba Spa and much of the empty commercial buildings expressed plans to revitalize the town but gave residents hope, but “that hope has been dashed by the prospect of an enormous solar farm that would virtually surround their small community.” In response, please refer to Global Response GR-1 in the Final EIR for a discussion of socio-economic impacts and CEQA. The comment does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I117-8** The commenter states that “overall the Draft EIR is an inadequately prepared document with numerous inconsistencies, contradictions, and avoidable omissions as well as many typographical errors.” In response, the comment does not offer specific evidence to support the statement; therefore, no further response is required. Responses to each of the comments submitted in the remainder of the letter are provided below.
- I117-9** The commenter asks if the proposed Major Impact Service and Utility type project was an appropriate and compatible land use immediately adjacent to Jacumba Hot Springs, then why does the Project conflict with the Mountain Empire Subregional Plan and

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- why does the Draft EIR identify 10 areas of controversy. The commenter further states even with mitigation measures, 12 impacts remain significant and unavoidable. In response, Table 3.1.4-5, in Section 3.1.4, Land Use and Planning, of the Draft EIR explains why the Proposed Project is consistent with the Mountain Empire Subregional Plan. Further, CEQA requires an EIR to analyze potentially significant impacts for any environmental issue where there is a fair argument that the Proposed Project could cause a potentially significant impact. The Draft EIR analyzes the issues described by the commenter as part of its compliance with CEQA.
- I117-10** The commenter states that the Draft EIR also lists other areas of concern raised by the public such as: environmental justice, negative impacts to a low-income community, to local tourism and property values, a lack of tangible benefits to the community, and potential changes to local temperature. The commenter further states that the Draft EIR does not address mitigation measures for those legitimate concerns. In response, CEQA does not require an EIR to provide mitigation for an impact that has been identified as being less than significant, or which is not an environmental impact caused by the Project. Please refer to Global Response GR-1 in the Final EIR regarding the relationship between socio-economic considerations and CEQA. Please also refer to Global Response GR-2 Photovoltaic Heat Island Effects in the Final EIR regarding comments that the Proposed Project will result in an increase in local temperatures.
- I117-11** The commenter states that Draft EIR minimizes the Project’s huge impacts to community character and its noncompliance with the Mountain Empire Subregional Plan. The commenter also states the Draft EIR omits the visual simulation of the Proposed Project from the Highland Senior Center, where there is only a 40-foot setback from the Proposed Project’s fence. In response, Table 3.1.4-5, in Section 3.1.4, Land Use and Planning, of the Draft EIR explains that the Proposed Project is consistent with the Mountain Empire Subregional Plan. In regard to impacts to community character, Section 2.1, Aesthetics, analyzes the potential impacts to aesthetics and visual resources that may result from the development of the Proposed Project. Impacts to visual community character were identified as significant. As discussed in Section 2.1.3, nine key views in the Project vicinity were selected to evaluate effects to existing views and visual change resulting from implementation of the Proposed Project. The key views are representative of views to the Project site available from public roads, residential areas, and recreational lands in the Project area. Key View 4, as displayed and simulated in Figure 2.1-12, is a view of the Project site from Jacumba Community Park and is representative of effects to views of the Project site from other areas in the vicinity of the Park, such as the Highland Senior Center. Using the Key Views, including the view from Jacumba Community Park, the Draft EIR analyzes the Proposed Project’s potential impacts to aesthetic and visual resources in the Project area. As discussed in Section 2.1.7, the Draft EIR concludes that despite

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the implementation of mitigation measures, the Proposed Project will cause significant and unavoidable impacts to existing visual character, valued visual character of the community, and panoramic or focal vistas (including the view from Jacumba Community Park), as well as cumulative impacts to aesthetic resources.

Further, subsequent to public review of the Draft EIR, the Proposed Project design was revised to include increased setbacks from the Jacumba Community Park and Old Highway 80, as described in Chapter 1 of the Final EIR. Along Old Highway 80, the Project fence line on both sides of the highway has been set back further to provide a larger buffer. The northern fence line has been setback 70 feet from the Project property line to the fence line (110 feet from the edge of the pavement on Old Highway 80 to the fence line), providing a buffer to the north that is 52 feet more than described in the Draft EIR. The southern fence line along Old Highway 80 will be 140 feet from the property line to the fence line (175 to 180 feet from the edge of pavement on Old Highway 80 to the fence line), providing a buffer to the south that is 122 feet more than the Project as described in the Draft EIR. Adjacent to the Jacumba Community Park, the fence line has been pulled back 300 feet from the property line, providing an increased buffer between the Jacumba Community Park and the Proposed Project. These revisions to the Proposed Project are shown in Figure 1- 2, Project Components, Figure 1-3, Enlarged Site Plan Index, and Figure 1-4, New Setbacks from Old Highway 80 and Jacumba Community Park in the Final EIR.

Also, the Community Buffer Alternative has been revised to include the same increased setbacks from Jacumba Community Park and Old Highway 80 as described in Section 4.4 and shown in Figure 4-1 of Chapter 4 in the Final EIR.

**I117-12** The commenter states that a visual simulation of the occupied single-family residence south of Old Highway 80 should be included in the Final EIR. In response, CEQA generally does not protect private views. (See, e.g., *Banker’s Hill, Hillcrest, Park W. Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249.) However, Key View 5 provides a visual simulation of the view of the Proposed Project, from westbound Old Highway 80 which is representative of the view from the private residence. (Section 2.1, Aesthetics, Figure 2.1-13.) The Draft EIR concludes that despite the implementation of mitigation measures, the Proposed Project will cause significant and unavoidable impacts to panoramic or focal vistas from Old Highway 80. Further, please refer to Response to Comment O7-14, which discusses modifications to the Proposed Project in the Final EIR to reduce impacts to views from Old Highway 80.

**I117-13** The commenter states that a visual simulation of the “tunnel-like view” for travelers along Old Highway 80 should be included in the Final EIR. The commenter also states

the setback from the Right-of-Way (ROW) north of Old Highway 80 is 65 feet and the setback from the ROW south of Old Highway 80 is 45 feet. The commenter further states that the Draft EIR includes a misleading long-distance visual simulation from Airport Mesa that shows “significantly wider setbacks along the south side of” Old Highway 80 and “along the border fence.” In response, the Draft EIR adequately analyzes the impacts to views from Old Highway 80 through Key Views 3 and Key View 5. (Section 2.1, Aesthetics, Figures 2.1-11 & 2.1-13.) Visual simulations have been prepared showing both sides of Old Highway 80. Please refer to Figures 2.1-13A through 2.1-13C in Section 2.1 Aesthetics of the Final EIR. In Section 2.1.3.3, the Draft EIR concludes that “solar panels would parallel Old Highway 80 and would substantially alter existing quality of views available to highway motorists and passengers.” In Section 2.1.7, the Draft EIR concludes that impacts to views from Old Highway 80 would be significant and unavoidable despite the implementation of mitigation measures.

The Proposed Project design has been revised in the Final EIR to increase the setbacks along Old Highway 80, though the impacts to views from the highway would remain significant and unavoidable. Please refer to Response to Comment I117-11. These same increased setbacks have also been incorporated into the Community Buffer Alternative in the Final EIR.

With respect to the simulations from Airport Mesa, an earlier iteration of the plot plan was incorrectly referenced during visual simulation preparation from this vantage point. In response to this comment, the visual simulation in the Final EIR has been revised to reflect proposed development setbacks from Old Highway 80 and the U.S./Mexico border fence as reflected in the current plot plan. Please refer to Figure 2.1-16 in the Final EIR. While the photo simulation of the Proposed Project as experienced from Airport Mesa has been revised in the Final EIR, the analysis of visual impacts from the vantage point as described in the Draft EIR remains unchanged. Specifically, implementation of the Proposed Project would result in significant and unavoidable aesthetic impacts as experienced from Airport Mesa.

- I117-14** The commenter states that visual simulations of the views of the substation, transmission line, and switchyard from I-8 and Carrizo Gorge Road should be added to the Final EIR. In response, the Draft EIR analyzes potential impacts of the Proposed Project as anticipated to be experienced by views from these viewpoints. Figure 2.1-9 of Section 2.1, Aesthetics, includes a visual simulation of the views of the Proposed Project, including the proposed substation and Switchyard Facilities, as experienced from eastbound I-8. As described Section 2.1 of the EIR, Key View 1 is located approximately 0.65 mile north of the substation and the Switchyard Facilities. Furthermore, when describing the visual impacts of the substation and Switchyard

Facilities, which include support poles for the tie-in overhead lines to the existing 138 kV transmission line, Section 2.1 of the EIR considers the effects of all visible Proposed Project components. Specifically, the analysis discloses that components of the substation, switchyard, and gen-ties lines would be detectable but at Key View 1, visual effects would be somewhat dulled by distance. Finally, as experienced from Key View 1, overall aesthetic impacts of the Proposed Project were determined to result in moderately strong color and line contrast that would interrupt existing views and alter the existing character of the site.

In addition, Figure 2.1-10 of Section 2.1, Aesthetics, includes a visual simulation of the views of the northern portions of the Proposed Project experienced from Northbound Carrizo Gorge Road. As explained in Section 2.1.3.3 of the EIR, the primary Proposed Project component visible from Key View 2 (Northbound Carrizo Gorge Road) would be solar panels but the Draft EIR also discloses that taller elements of the switchyard and loop-in “may be visible” to the northwest where existing lattice steel towers and tubular steel poles are present. (See Figure 2.1-10.) While the substation and Switchyard Facilities would be visible to southbound Carrizo Gorge motorists over an approximate distance of 1,500 feet (generally from gas station development to south to existing high-voltage transmission line crossing of Carrizo Gorge Road), these components would be located more than 450 feet from passing motorists. These components would also be experienced in the context of proposed solar panels and existing transmission line poles that are taller than those of the proposed gen-tie. From northbound Carrizo Gorge Road at Key View 2, the proposed substation and Switchyard Facilities would be visually screened from view of motorists by intervening terrain in the foreground. A single monopole associated with the tie-in to the existing SDG&E transmission line would also be visible at Key View 2. This component was not included in the Draft EIR visual simulation. In response to this comment, the Key View 2 visual simulation has been revised to include the proposed monopole in the Final EIR. Please refer to Final EIR Figure 2.1-16 and Figure 19 of EIR Appendix B, Visual Resources Report. While the Draft EIR simulation of the Proposed Project as experienced from Carrizo Gorge Road has been revised, the analysis of visual impacts from the vantage point as described in the Draft EIR remains unchanged.

- I117-15** The commenter states that a visual simulation from the residences on Snob Hill Road located on the southeastern side of town should be added to the Final EIR. In response, Key View 4, as displayed and simulated in Figure 2.1-12, is a view of the Project site from Jacumba Community Park. Please refer to Response to Comment I117-11 regarding methodology for assessing visual impacts in the Draft EIR. Using the Key Views, including the view from Jacumba Community Park, the Draft EIR analyzes the Proposed Project’s potential impacts to aesthetic and visual resources in the Project area. The Draft EIR concludes that despite the implementation of mitigation measures,

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the Proposed Project will cause significant and unavoidable impacts to existing visual character, valued visual character of the community, and panoramic or focal vistas (including the view from Jacumba Community Park), as well as cumulative impacts to aesthetic resources. (See Chapter 2.1, Aesthetics, § 2.1.7.) CEQA generally does not protect private views. (See, e.g., *Banker's Hill, Hillcrest, Park W. Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249.)

- I117-16** The commenter states that a visual simulation of the portion of the Proposed Project on the low hill where vacant farm buildings are currently located should be added to the Final EIR. In response, the vacant buildings associated with the dairy/ranch complex would be demolished as part of the Proposed Project. As discussed in Section 2.4 Cultural Resources, the dairy and ranch complex are not considered a historical resource under CEQA. Further, the commenter does not indicate where the picture was taken, thus it is unclear whether it is a view from a publicly accessible location or property. Section 2.1, Aesthetics, of the Draft EIR analyzes the Proposed Project's potential impacts to aesthetics and visual resources. As discussed in Section 2.1.3, nine key views in the Project vicinity were selected to evaluate the Proposed Project's impacts to existing views. The key views are representative of views to the Project site available from public roads, residential areas, and recreational lands in the Project area. Using these views, the Draft EIR concludes that the Proposed Project would result in significant and unavoidable impacts to panoramic views from, among other places, Old Highway 80, Jacumba Community Park, and Round Mountain all of which offer views in the direction of the vacant farm buildings. In other words, the Draft EIR has adequately analyzed the Proposed Project's impacts to aesthetics and visual resources, including the portion of the Project site where the vacant buildings are located.
- I117-17** The commenter states that the visual simulations requested to be added in Comments I117-11 through I117-16 would show the Proposed Project's most severe impacts to aesthetics. The commenter requests that these simulations be added to the Final EIR. In response, please refer to Responses to Comments I117-11 through I117-16.
- I117-18** This comment provides a photograph of the Project site from an area in the Jacumba community to the southeast of the Project site, which is referenced in Comment I117-16. Please refer to Response to Comment I117-16.
- I117-19** The commenter states that within the Draft EIR the PV modules are described as "uniformly dark in color, non-reflective, and highly absorptive of all the light that strikes their glass surfaces" on page 1-3. The commenter also states that alternately, the Draft EIR describes PV modules as "highly reflective" on page 2.1-44. In response, the statement on page 2.1-44 is text from the County's significance threshold item (d) for light and glare; it is not a description of the Proposed Project's PV modules. In



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- analyzing the Project under this threshold, the Draft EIR states on page 2.1-47: “The proposed solar panels would be uniformly dark in color, non-reflective, and designed to be highly absorptive of all light that strikes their glass surfaces.” This description of the PV modules is consistent with the description on page 1-3.
- I117-20** The commenter states that the glare study attached to Appendix B to the Draft EIR does not account for glare impacts to gliders utilizing the Jacumba airport. In response, an updated Glare Study for the Proposed Project was prepared by POWER Engineers in 2021 (See Appendix A to Appendix B, Visual Resources Report in Final EIR). The 2021 Glare Study replaces the 2018 study in full. The 2021 Glare Study includes an analysis of glare impacts to gliders. To ensure that the analysis in 2021 Glare Study adequately encompassed glider operations, the Proposed Project applicant and POWER Engineers discussed glider operations at the Jacumba Airport with Alasdar Mullarney, Director of Operations, Associated Glider Club of Southern California. As discussed in the 2021 Glare Study (Appendix A to the Visual Resources Report of the Final EIR) and Global Response GR-5, Airport Impacts, the Proposed Project is not expected to have a glare impact to glider operations at the Jacumba Airport.
- I117-21** The commenter states that according to Alasdar Mullarney, an experienced glider instructor, glider pilots do not make a single approach to land, but rather circle above the airport multiple times to determine that wind speed and direction is suitable for landing. The commenter also states that gliders operating out of Jacumba airport utilize a cable/winch arrangement and during emergency situations, the cable may be jettisoned and could strike a PV panel. In response, with respect to circling gliders, please see Response to Comment O7-88. Please also refer to Global Response GR-5 Airport Impacts in the Final EIR, regarding gliders at the Jacumba airport. The comment but it does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I117-22** The commenter states that according to Alasdar Mullarney, numerous glider pilots have overshoot the runway but were able to land safely in the dirt past the runway and expresses concern that a glider pilot landing amongst the PV panels could be seriously injured or killed. In response, the basic function of airport land use compatibility plans is to promote compatibility between airports and the land uses that surround them to the extent that these areas not already devoted to incompatible uses. Specifically, the Jacumba Airport Land Use Compatibility Plan (ALUCP): (1) provides for the orderly growth of the Jacumba Airport and the area surrounding the airport; and (2) safeguards the general welfare of the inhabitants within the vicinity of the airport and the public in general. For the purpose of airport land use planning, safety zones are defined as an area near an airport in which land use restrictions are established to protect the safety of the public from potential aircraft accidents. Please refer to Global Response GR-5

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Airport Impacts and the Memorandum prepared by Kimley Horn (Appendix T) in the Final EIR, for further information on this topic and calculations of the Proposed Project's open land, which exceed the requirements set forth in the ALUCP. Further, please refer to Global Response GR-5 Airport Impacts in the Final EIR, regarding glider use at the Jacumba airport. Finally, the Proposed Project was revised to include an 80-foot wide road off of the western end of the airport runway that transects the southern portion of the solar facility in an east-west direction. This road will allow additional room in the event of emergency landings. In addition, the Proposed Project's perimeter fence is setback 1,250 feet from the end of the airport runway.

- I117-23** The commenter states that according to Alasdair Mullarney, placement of solar panels on three sides of the airport runway will introduce an unnecessary safety risk, and that the commenter agrees that the PV panels on the south side of Old Highway 80 should be pulled back from the vicinity of the runway. In response, for clarification the Proposed Project will only be located to the west of the Jacumba airport runway. With respect to the commenter's safety concerns, please see Response to Comment I117-22. Further, please refer to Global Response GR-5 Airport Impacts in the Final EIR, regarding gliders at the Jacumba airport, and the memorandum prepared by Kimley Horn (Appendix T in the Final EIR), which discusses revisions made to the Proposed Project and the Project's compatibility with the ALUCP.
- I117-24** The commenter states that in the commenter's opinion, it would not be appealing to fly in a glider above the Proposed Project. In response, please refer Response to Comment I117-20 and the updated 2021 Glare Study, which is included as Appendix A to the Visual Resources Report (Appendix B to the Final EIR).
- I117-25** The commenter restates a guideline regarding glare from the Draft EIR. The commenter also states that the study analyzed potential glare distractions from a view height of 10 feet and then it erroneously concluded Jacumba residences would not be impacted by solar panel glare. The commenter also questions the glare study's conclusion that the "5-degree wake/stow angles would cause any potential glare to be directed above and away from analyzed sensitive viewers residential locations and motorists on I-8, Carrizo Gorge Rd, and Old Hwy 80." In response, an updated 2021 Glare Study was prepared by POWER Engineers, Inc, and is included as Appendix A to the Visual Resources Report (Appendix B in the Final EIR). The updated 2021 Glare Study replaces the 2018 study in full. As clarified in the 2021 Glare Study, the 10-foot viewer height is from ground surface. The glare modeling takes into account elevations of the key observation points analyzed in the Glare Study. Please also refer to **PDF-HAZ-1** which includes requirements for modifying the tracker behavior (see Section 2.6.6 of the Final EIR).

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- I117-26** The commenter states within the Draft EIR there is some confusion as to the orientation of the solar arrays. The commenter further states that while the glare study describes an east/west tracking pattern for the solar panels, page 2.6-35 of the Draft EIR states that the “solar facility would be directed southward toward the sun.” In response, the sentence on page 2.6-35 of the Draft EIR is intended to convey that the solar panels will be constructed on a north-south axis as described in the remainder of the Draft EIR. (See Section 1.2.1 of Chapter 1.) This sentence has been revised for clarity in the Final EIR to read: “The solar facility would be ~~directed southward toward the sun~~ constructed on a north-south axis and include PV technology that is designed to . . . .” Text clarifications have been made in the Final EIR on pages 2.6-33 and 2.6-51.
- I117-27** The commenter states that the glare study did not analyze potential impacts of the 643 acres of solar panels to Jacumba’s southeastern hillside homes located less than a mile away from the solar project. The commenter also states viewer height at the elevated location is well above the 10-foot height assumed by the glare study and therefore the DEIR findings that glare impacts from the project would be less than significant are wrong. In response, the 2018 Glare Study in the Draft EIR has been updated in the Final EIR. Please refer to Appendix A of the Visual Resources Report (Appendix B to the Final EIR). As shown on Figure 5 of the 2021 Glare study, the glare analysis considered impacts to key observation points on Jacumba’s southeastern hillside homes. Clarifying text has been added to the 2021 Glare Study in the Final EIR explaining the methodology for analyzing residences. The analysis in the Glare Study determined no potential glare is anticipated for ground-based viewers, including residences, due to the orientation and distance to the Proposed Project as well as the behavior of the PV arrays. As clarified in the 2021 Glare Study, the 10-foot viewer height is from ground surface.
- I117-28** The commenter states that Old Highway 80 is a “state/county historic highway” and that motorists choose to drive on Old Highway 80 instead of I-8 for its rural views, open spaces, and small communities. The comment does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I117-29** The commenter states that the scenic nature of Old Highway 80 brings financial support from visitors to small, unique businesses struggling to operate in these communities. The comment further states that as more and more industrial energy projects are placed next to this scenic highway and others, there is a cumulative impact – these roads will no longer be considered scenic by motorists to be scenic. In response, Section 2.1 Aesthetics of the Draft EIR analyzed cumulative impacts to visual resources. Also, please refer to Global Response GR-1 in the Final EIR regarding the relationship between socio-economic considerations and CEQA.

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- I117-30** The commenter states that since this enormous solar project will dominate Jacumba’s currently rural landscape and be visible to motorists on I-8, it is likely to reduce the number of visitors coming to Jacumba. The commenter also states this will negatively impact the survival of local businesses. In response, please refer to Global Response GR-1 in the Final EIR regarding the relationship between socio-economic considerations and CEQA. The comment does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I117-31** The commenter states that the Draft EIR states that the Project would not inhibit the County from establishing future regulations or development standards that would protect and enhance scenic highways. The commenter also states there won’t be anything of scenic value left along Old Highway 80 to protect and enhance. In response, please refer to Response to Comment O7-40.
- I117-32** The commenter states that the Proposed Project conflicts with “a variety of goals and policies found in the San Diego County General Plan such as: Goal LU-2: Maintenance of the County’s Rural Character and Goal LU-6: Environmental Balance, as well as goals and policies in the Mountain Empire Subregional Plan.” The commenter also states that the Draft EIR erroneously concludes that since “similar development has occurred in the sub-regional plan area, the Proposed Project would not result in a cumulative impact associated with plan conflicts.” In response, the County General Plan includes goals, which are followed by policies designed to implement the goal. General Plan Goal LU-2 states: “Maintenance of the County’s Rural Character. Conservation and enhancement of the unincorporated County’s varied communities, rural setting, and character.” Nine policies are listed in the General Plan to implement Goal LU-2. Table 3.1.4-4 in Chapter 3.1.4, Land Use, of the Draft EIR, analyzes Policy LU-2.8, Mitigation of Development Impacts, which the County found to be the pertinent policy to analyze for consistency with respect to the Proposed Project. As described in Table 3.1.4-4, the Proposed Project is consistent with Policy LU-2.8 because it will implement project design features and mitigation measures to reduce potentially significant impacts to the degree feasible. Further, General Plan Goal LU-6 states: “Development—Environmental Balance. A built environment in balance with the natural environment, scarce resources, natural hazards, and the unique local character of individual communities.” Twelve policies are listed in the General Plan to implement the Goal LU-6. Table 3.1.4-4 in Chapter 3.1.4, Land Use, of the Draft EIR, analyzes Policies LU-6.1, Environmental Sustainability, LU-6.5, Sustainable Stormwater Management, LU-6.6, Integration of Natural Features into Project Design, LU-6.9, Development Conformance with Topography, and LU-6.10, Protection from Hazards, which are the pertinent policies to analyze for consistency with respect to the Proposed Project. As described in Table 3.1.4-4, the Proposed Project was found consistent with policies LU-6.1, LU-6.5, LU-6.6, LU-6.9 and LU-6.10. With respect to

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- the Proposed Project’s consistency with the Mountain Empire Subregional Plan, Table 3.1.4-5, in Section 3.1.4, Land Use and Planning, of the Draft EIR explains why the Proposed Project is consistent with the Mountain Empire Subregional Plan.
- I117-33** The commenter states that mitigation measures included to mitigate aesthetic impacts “do not provide any meaningful reduction in visual impacts to Jacumba’s community character.” The commenter also states that the DEIR insults residents by stating “the order of repeating rows of support racks and panels and straight roads would be somewhat compatible with the grid-like patterns of residential development in Jacumba.” In response, Section 2.1 Aesthetics of the Draft EIR identifies mitigation measures **M-AE-1** (nonreflective inverters), **M-AE-2** (nonreflective energy storage containers), **M-AE-3** (nonreflective transmission line), **M-AE-4** (residential properties setback), **M-AE-5** (landscaping), and **M-AE-6** (fence screening) to reduce impacts to existing visual character and/or quality and to valued visual character of community. (Mitigation measure **M-AE-6** has been updated in the Final EIR.) However, despite these mitigation measures, impacts to community character would be significant and unavoidable as concluded in Section 2.1.7. Subsequent to public review of the Draft EIR, the Proposed Project design has been revised in the Final EIR to include increased setbacks from the Jacumba Community Park and on both sides of Old Highway 80. Please refer to revised Proposed Project description and Figure 1-4 in Chapter 1 of the Final EIR. Although the increased setbacks would lessen visual impacts, the impacts would remain significant and unavoidable.
- I117-34** The commenter states that “nowhere else in San Diego County has an energy project of this scale and mass been built immediately up against two sides of a small rural village.” The commenter also states that the approval of the Project would “set a dangerous precedent” for “similar large scale energy projects adjacent to other small communities.” In response, this comment does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I117-35** The commenter states that the Draft EIR’s site specific climatic conditions are inaccurate. The commenter further states “Jacumba’s wintertime lows are often below freezing and average summertime highs (July through September) average 90 degrees F with temperatures over 100 degrees F not uncommon.” In response, Section 2.2.1.1 Climate and Topography (Section 2.2 Air Quality) of the Final EIR under Site-Specific Conditions has been revised to reflect temperatures in the Jacumba Hot Springs area.
- I117-36** The commenter states that solar farms are said to produce a photovoltaic “Heat Island effect” with solar panel surface temperatures reaching as much as 36 degrees warmer than ambient temperatures. The commenter also states the Draft EIR does not address potential increases to local temperatures when hot Santa Ana winds drive across more

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- than 600 acres of panels into town. In response, please refer to Global Response GR-2 in the Final EIR which discusses photovoltaic heat island effects.
- I117-37** The commenter states that the Draft EIR does not address “how it will mitigate for movement of particulate matter (dust clouds) produced as easterly Santa Ana winds sweep across hundreds of acres of disturbed bare dirt beneath solar arrays toward the town.” The comment also asks after construction is completed, whether soil stabilizers will be regularly applied to minimize the impact of blowing dust on residences. In response, the Proposed Project will be required to maintain vegetative cover under the solar panels during operations, as stated in Project Design Feature **PDF-HYD-3**. Please refer to Section 2.7.6 of the Final EIR for the full text of **PDF-HYD-3**.
- I117-38** The commenter states that the Draft EIR states there are eight sensitive vegetation communities (S-3) in the Project area; however, in a different section the Draft EIR states there are nine sensitive vegetation communities (2.3-3). In response, there are nine sensitive vegetation communities in the Project area as stated on page 2.3-3. Although fallow agriculture is not defined as a vegetation community or land cover in Holland (1986) or Oberbauer (2008), fallow agriculture provides foraging habitat for wildlife and therefore would be considered a sensitive vegetation community. Page S-3 of the Final EIR has been corrected to state there are 12 vegetation communities and/or land covers, including 9 sensitive vegetation communities.
- I117-39** The commenter states that the biological surveys conducted of the Project site minimize what is clearly golden eagle habitat, that golden eagles use the Project site for foraging, and provides a 2013 picture purporting to be of a pine tree next to Ketchum Ranch farm house with a golden eagle in the tree. In response, the Draft EIR states that golden eagles were observed flying over the Project site during biological surveys, but do not appear to use the site regularly. The observed golden eagles did not circle, forage, or land on any part of the Project site. There is no suitable nesting habitat (i.e., large trees or cliffs) in the development footprint. The Draft EIR further identifies permanent direct impacts to golden eagle foraging habitat to be a potentially significant impact of the Proposed Project (see **Impact BI-W-2**). With implementation of mitigation measures **M-BI-3** (habitat preservation), and **M-BI-4** (Resource Management Plan), this impact would be reduced to less than significant.
- I117-40** The commenter states that the Proposed Project will remove the Ketchum Ranch buildings and trees used as roosts and lookouts by a variety of raptors, including golden eagles and great horned owls. In response, please see Response to Comment I117-39 regarding impacts to golden eagle foraging habitat. As stated in the Draft EIR, great horned owl was observed during biological surveys conducted on the Project site, and a golden eagle was observed flying over the site, but there are no active golden eagle

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nests in the area. (See Section 2.3, at 2.3-7, referring to Appendix D, Biological Resources Technical Report, Appendix C, List of Wildlife Species Observed.) In addition, Section 2.3 of the EIR analyzes potential impacts to raptor foraging habitat in Section 2.3.3.2, Guideline 4.1.F. The Draft EIR identifies a potentially significant impact to raptor foraging habitat (**Impact BI-W-2**). This impact is reduced to less than significant with implementation of mitigation measures **M-BI-3** (habitat preservation), and **M-BI-4** (Resource Management Plan). Additionally, acoustical monitoring and visual surveys of the suitable bat roosting habitat within the limits of grading was conducted in January 2021. No active roosts were detected in the development footprint, including in the abandoned buildings. The acoustic monitoring detected two bats – Mexican free-tailed bat (*Tadarida brasiliensis*) and canyon bat (*Parastrellus hesperus*); however, based on the absence of roosts or visual detections of bats during the nighttime emergence survey, these bats were concluded to forage, but not roost, on site. The results of the 2021 bat surveys are included as Appendix B to the Biological Resources Technical Report (Appendix D to the Final EIR).

- I117-41** The commenter states that the County’s Zoning Ordinance requires the Proposed Project to minimize the removal of existing vegetation on the Project site. The commenter also states that the Proposed Project should not place solar arrays on a low hill and should not remove vegetation in order to minimize its impact on scenic vistas and other wildlife. In response, please refer to Section 2.1, Aesthetics, and Section 2.3, Biological Resources, which analyze the Proposed Project’s potential impacts to visual and biological resources. Please also refer to Response to Comment I117-39 and I117-40 (raptor impacts) and Response to Comment I117-114 (discussing the commenter’s proposed alternative to the Project).
- I117-42** The commenter states that restoration and preservation of the 1928 farm buildings should be required as a mitigation measure. In response, as discussed in Section 2.4.3.1 of the Draft EIR, the Project site was evaluated for listing in the National Register of Historic Places (NRHP), listing in the California Register of Historic Places (CRHR), the County of San Diego designation criteria, and the County’s Resources Protection Ordinance (RPO), and was assessed for integrity. The Mountain Meadow Dairy and Creamery’s Sunshine Ranch Complex were found to be not eligible for listing under any designation criteria due to a lack of significant historical associations and compromised integrity. As such, the complex is not considered a historical resource under CEQA. For these reasons, the Proposed Project’s proposed demolition of these buildings is not considered a potentially significant impact to historical or cultural resources, and thus mitigation is not required. Further, please refer to Response to Comment O7-87.

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- I117-43** The commenter states that construction of the Proposed Project will displace local wildlife, likely permanently. In response, Section 2.3 Biological Resources, of the Draft EIR analyzes potential impacts to wildlife access to foraging habitat, breeding habitat, and wildlife movement. The Draft EIR determined that the Proposed Project would result in a potentially significant temporary direct impact (**Impact BI-WLC-1**) and indirect impact (**Impact BI-WLC-3**) during construction, and a potentially significant permanent direct impact (**Impact BI-WLC-2**) to habitat connectivity and wildlife corridors. **Impact BI-WLC-1** would be reduced to less than significant with implementation of mitigation measures **M-BI-1** (biological monitoring), and **M-BI-2** (temporary construction fencing). **Impact BI-WLC-2** would be reduced to a less than significant with implementation of mitigation measures **M-BI-3** (habitat preservation) and **M-BI-4** (Resource Management Plan). **Impact BI-WLC-3** would be reduced to a less than significant with implementation of mitigation measures **M-BI-1**, **M-BI-2**, **M-BI-5** (nesting bird surveys), **M-BI-7** (biological monitoring of Storm Water Pollution Prevention Plan), and **M-BI-11** (noise reduction).
- I117-44** The commenter states that the MSCP Planning Agreement has expired, and that, as a result, the Proposed Project will not face “normal scrutiny.” The commenter further states that after the Proposed Project is constructed, the area will be “excluded from a future EC MSCP.” In response, as discussed in Section 2.3 Biological Resources of the Draft EIR, the majority of the Project site is mapped as “Agriculture or Natural Upland outside Focused Conservation Area” in the preliminary planning map for the East County Multiple Species Conservation Program (MSCP). A Consistency Analysis for the North and East County MSCP Principles has been added to Section 2.3 in the Final EIR (see Table 2.3-7). Also, the County met with the Wildlife Agencies on April 18, 2019 and March 19, 2020 to discuss the Proposed Project as part of the Interim Review Process under the revised Planning Agreement. Further, an updated Planning Agreement was executed in April 2021.
- I117-45** The commenter asks what the planned land use is for the 286 acres remaining on the Project site after development of the Proposed Project and implementation of the Project’s open space easements. The commenter also asks whether solar panels will be placed on those acres. In response, the applicant has stated that no uses are currently planned for these portions of the Project site. Any future proposal to place solar panels within these areas of the Project site would be subject to further County permitting requirements and CEQA.
- I117-46** The commenter states that Environmental Site Assessments prepared in 2018 (Appendix G to the Draft EIR) are incomplete. In response, this is an introductory comment to comments that follow. Please refer to Responses to Comments I117-47 through I117-55.



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**I117-47** The commenter states that the ESA should include 1928 aerial photographs of the Project site to show agricultural land use on the Project site, operation of the dairy, and operation of an airport inn/café/service center. In response, a Phase I ESA was prepared for the Proposed Project (Appendix G to the Draft EIR), which includes a review of historical aerial photographs and topographic map, agency records, directory listings, building permit reports, and site owner/representative interviews. The historical topographic maps reviewed for the Phase I ESA date back to 1939, while the aerial photographs date back to 1954. The Phase I ESA notes the presence of a “ranch” and agricultural and farming use on the Project site. This data review satisfies the standard historical sources review requirements of the ASTM E 1527-13 Standard. Section 2.6 Hazards and Hazardous Materials (Section 2.6.1) notes that the dairy complex operated on the Project site from 1927 to the early 1960s. The airport inn/café/service center is not located within the Project site and will not be disturbed by the Proposed Project. Accordingly, the Draft EIR adequately discloses and analyzes the Project site’s historical agricultural use and the Proposed Project’s potential hazardous materials impacts. Please also refer to Response to Comment I117-48 for further discussion of review of the Project site.

**I117-48** This comment includes a photograph of dairy operations which the commenter states is the Project site in 1940. The commenter states that the Project site included an underground storage tank for fuel for the dairy operations’ fleet of trucks, as well as an underground storage tank and fuel tank at the nearby airport inn/café/service center, which the commenter says were not identified in the Phase I ESA. In response, the Phase I ESA includes a description of site reconnaissance of the Property, as well as a comprehensive review of public records for information relating to the environmental conditions at the Project site and the vicinity of the Project site. This research included ascertaining whether underground storage tanks, leaking underground storage tanks, and former underground storage tanks are located in or around the Project site. The results of this review are discussed in the Phase I ESA. The nearby airport inn/café/service center referenced by the commenter is not within the Project site and will not be disturbed by the Proposed Project. With respect to the commenter’s statement that there was an underground storage tank at the former dairy, Dudek visited the Project site on January 12, 2021, to again look for evidence of USTs (e.g., fill port, manhole, vent pipe, piping, or dispenser, etc.) on the Project site. Dudek’s representative was accompanied by Mr. Charles Turechek, whose father owned the property from the 1970s until its recent sale. No evidence of USTs was found. In addition, Mr. Turechek stated that he was not aware of any USTs on the Project site. (See Section 2.6.1, Hazards and Hazardous Materials, Existing Conditions of Final EIR.) As such, based on substantial evidence, the Phase I ESA and Draft EIR adequately summarize the environmental conditions of the site.

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Finally, the Draft EIR explains that the Proposed Project is subject to the Underground Storage Tank Act, found in California Health and Safety Code Chapter 6.7, and that the County Department of Environmental Health is the implementing agency. (Draft EIR, at 2.6-16.) Section 25298 of the Underground Storage Tank Act requires any person that wishes to “abandon” or “close” a UST to comply with its requirements. Subsection (c) further specifies what must occur when a person is abandoning or closing a UST, including demonstrating to the County Department of Environmental Health that all hazardous substances stored in the tank have been neutralized, and that any corrective actions necessary to remediate contamination at the site have been accomplished. The Final EIR has been clarified to indicate that the Proposed Project will comply with the Underground Storage Tank Act if an undisclosed underground storage tank is discovered during construction.

**I117-49** The commenter states that Bornt Farms “sprayed a strong chemical pesticide on their former fields in the summer of 2012” to “eliminate the eye gnat problem that had been plaguing Jacumba residents for several years.” In response, the Bornt Farms’ operations are analyzed in the Phase I ESA for the Project site and Section 2.6, Hazards and Hazardous Materials, of the Draft EIR.

**I117-50** The commenter states that the Phase I ESA omitted mention of a gas station on the north side of Old Highway 80 near the original Jacumba bathhouse that operated until the mid-1950s. In response, the historical bathhouse and current Jacumba Hot Springs resort are not located on or adjacent to the Project site. The Phase I ESA includes a description of site reconnaissance of the Project site, as well as a comprehensive review of public records for information relating to the environmental conditions at the Project site and the vicinity of the Project site. This research included ascertaining whether underground storage tanks, leaking underground storage tanks, and former underground storage tanks are located in or around the Project site. The results of this review are discussed in the Phase I ESA. Of note, the Phase I ESA states that 44485 Old Highway 80 was operated as a gas station until 1953 and is listed in the LUST database for two releases. The Phase I ESA concludes that, “Even though the groundwater gradient [from these releases] is towards the subject property, the plume is shrinking and stable; therefore, it is not likely that this site impacted the environmental conditions at the subject property.” As such, based on substantial evidence, the Phase I ESA adequately summarizes the environmental conditions of the Project site.

**I117-51** The commenter states that the ESA improperly omitted any mention of two mining pits on the southeastern portion of the Project site. In response, the Phase I ESA notes in the historical topographic map review section that a sand/gravel pit was located on the Project site. During the January 2021 site visit, the surface pits referenced in the

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- comment were observed on the Project site. Excavated materials were located adjacent to the pits. Mr. Turechek, whose father owned the property from the 1970s until its recent sale, stated that these pits were dug by his father to evaluate the site for a potential vineyard. Section 2.8, Mineral Resources, of the Draft EIR notes that there is a documented history of aggregate extraction on the Project site, including a minor rock quarry.
- I117-52** The commenter states that the Property owner did not disclose that the Property was used to store “a fleet of junk cars and piles of tires that were present” in 2013 and that a weigh station is still present at the site. In response, Section 6.1 of the Phase 1 ESA, states that “[w]ood, metal scraps, tires, furniture, and trash debris were found throughout the subject property.” No staining was noted associated with these areas of debris/waste.
- I117-53** The commenter states that the Phase I ESA must be updated to “include historical agricultural use that dates back to 1928 as well as information about the early 1928 Shell gas . . . .” The commenter also states that the Bessie and William P. Foster lived on a portion of the Project site until 1922. In response, please refer to Responses to Comments I117-47, I117-48 and I117-50.
- I117-54** The commenter states that Bessie Foster found a “subsurface petroleum contaminant problem with her water well” and quotes a 100-year old statement by Ms. Foster to that effect. In response, the Draft EIR analyzed the Proposed Project’s potential impacts relating to hazards and hazardous substances in Section 2.6 of the Draft EIR. The comment does not raise a specific issue with the adequacy of the analysis in the Draft EIR; therefore, no specific response is provided.
- I117-55** The commenter states that the “potential presence of subsurface petroleum should be investigated before underground electrical wiring associated with solar arrays is placed beneath the surface.” In response, as stated in Section 1.2 Project Description of the Draft EIR, the electrical wiring associated with the solar arrays will be buried at a depth of 3 to 4 feet below ground surface. The Draft EIR analyzed the Proposed Project’s potential impacts relating to hazards and hazardous substances in Section 2.6 of the Draft EIR, and potential impacts relating to geology, soils and seismicity in Section 2.5 of the Draft EIR. Further, Section 2.7, Hydrology and Water Quality, of the Draft EIR analyzed groundwater conditions, including water quality, in the vicinity of the Project site. (See Appendix J, Groundwater Investigation Report of the Draft EIR.)
- I117-56** The commenter states that the Draft EIR should be updated to “reflect the historical use information and potential hazards associated with that historical use.” In response, please refer to Responses to Comments I117-46 through I117-55.

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- I117-57** The commenter states that the “high voltage components” of the Proposed Project increase potential fire danger. The commenter also asks about the location of the step-up transformer that would contain “approximately 6,000 gallons of mineral oil.” In response, please refer to Section 2.6, Hazards and Hazardous Materials, and Section 2.12, Wildfire, which analyze potential wildfire impacts caused by development of the Project. The Draft EIR concludes that with implementation of mitigation measures **M-WF-1** (Fire Protection Plan), **M-WF-2** (Construction Fire Protection Plan), and **M-WF-3** (Fire Protection and Mitigation Agreement), the Proposed Project’s potentially significant impacts related to wildfires and fire hazards would be reduced to a less than significant. The step-up transformer would be located within the Proposed Project’s collector substation.
- I117-58** The commenter asks why the Proposed Project’s “high voltage elements” are not sited closer to the energy consumers given the high fire hazard conditions of the Project site, such as the battery energy storage components. In response, please refer to Response to Comment O6-20 with respect to why the Proposed Project includes an energy storage component.
- I117-59** The commenter asks why the Proposed Project requires the construction of the switchyard when the solar power it generates could be fed into the grid using the existing SDG&E ECO Substation located less than 2 miles from the Project site. In response, please refer to Section 4.2.5, ECO Substation Connection Alternative (No Switchyard), of Chapter 4, Project Alternatives, of the Draft EIR. Section 4.2.5 analyzes this alternative and rejects it because it is infeasible and would cause more impacts than the Proposed Project as a result of the increased development area.
- I117-60** The commenter states that the Proposed Project places high voltage equipment over hundreds of acres where flood risk is undetermined because the Federal Emergency Management Agency (“FEMA”) has not conducted a flood hazard analysis and the elevated solar panels to account for the uncertainty will exacerbate visual impacts. In response, FEMA produces Flood Hazard Maps to denote the risk of a property flooding for insurance purposes. (FEMA, Unmapped Areas on Flood Hazard Maps Understanding Zone D (Aug. 2011) [https://www.fema.gov/media-library-data/20130726-1806-25045-7880/zone\\_d\\_fact\\_sheet.pdf](https://www.fema.gov/media-library-data/20130726-1806-25045-7880/zone_d_fact_sheet.pdf) (accessed on Dec. 24, 2020).) The FEMA Zone D designation is used for areas where there are possible, but undetermined flood hazards have been conducted. (*Ibid.*) In Zone D areas, flood insurance is recommended by not federally required by lenders for loans on properties in these zones. (*Ibid.*) There are many reasons a region may be designated as Zone D that are unrelated to flood risk, such as sparse population or where the community incorporates other areas where a flood map has not been prepared. The Draft EIR evaluates flooding based on the County’s Hydrology Guidelines (County of San Diego

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- 2007a) and question (c) in the CEQA Guidelines, Appendix G (14 CCR 15000 et seq.). Section 2.7 Hydrology and Water Quality and the Drainage Study JVR Energy Park (Appendix I) of the Draft EIR analyze the flooding risk associated with the Proposed Project. The Proposed Project perimeter fencing would potentially block or impact flood flows (**Impact HYD-1**). Implementation of mitigation measure **M-HYD-1** would reduce the potential impact to less than significant. Further, **PDF-HYD-1** requires that prior to approval of final design plans, the County DPW shall verify that all project components located within the 100-year floodplain shall comply with the County of San Diego Flood Damage Prevention Ordinance, County Hydrology Manual, and County Hydraulic Design Manual, which includes elevating all solar panels at maximum tilt, inverter/transformer platforms, battery storage containers, and all electrical components one (1) foot above base flood elevation.
- I117-61** The commenter provides historical references to intermittent summer flooding throughout the Jacumba Valley, including at the Ketchum Ranch. The comment does not raise an issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required.
- I117-62** The commenter references Tropical Storm Kathleen in 1976, which caused flooding at Boundary Creek and resulted in the construction of a foot bridge over the creek. The comment does not raise an issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required.
- I117-63** The commenter states that a resident on the south side of Highway 80 near the Jacumba airport indicated that his property would flood before the U.S. Army Corps of Engineering build a large dirt berm around his property. The comment does not raise an issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required.
- I117-64** The commenter asks how the Proposed Project will mitigate drainage pattern disruptions given the large-scale grading operations, which will result in cut and fill of approximately 264,000 cubic yards of soil during construction. In response, Section 2.7 Hydrology and Water Quality of the EIR analyzes the Proposed Project's impacts to hydrology and drainage patterns. The Final EIR clarifies that the Proposed Project would result in an increase of 6.65 acres of impervious surfaces. As discussed in Section 2.7.5, the only element of the Proposed Project that might alter drainage patterns is the proposed perimeter fence (**Impact HYD-1**). Mitigation measure **M-HYD-1** would reduce this potential significant impact to less than significant.
- I117-65** The commenter asks that the Final EIR provide visual simulations of break-away and flow-through fencing and identify where such fencing will be employed. In response,

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- a new figure has been included in Chapter 1 of the Final EIR showing examples of breakaway and flow-through fencing (see Figure 1-8).
- I117-66** The commenter states that inverters, transformers, and HVAC units will generate and inject continuous noise into Jacumba’s quiet rural landscape, and states that Table 2.9-1 identifies 20dB noise level as a typical “quiet rural nighttime.” In response, the Acoustical Assessment for the JVR Energy Park Project (Appendix M) and Section 2.9 Noise of the Draft EIR analyzed the Proposed Project’s potential noise impacts as a result of stationary equipment, including the inverters, transformers and HVAC units in the battery energy storage systems. The Draft EIR found that the Proposed Project’s potentially significant impact (**Impact NOI-1**) from these stationary noise sources would be reduced to less than significant with implementation of mitigation measure **M-NOI-1**.
- I117-67** The commenter states that Table 2.9-2 provides a misleading snapshot of Measured Outdoor Ambient Noise Levels based on potential interference from large trucks and uncertainty about the timing of the noise study. In response, Section 2.9.4.1, Methodology and Noise Calculations, of Chapter 2.9, Noise, describes the methods utilized to calculate baseline outdoor ambient noise conditions, which are consistent with Section 36.403 of the County Noise Ordinance. The results of the outdoor ambient noise conditions are described in Section 2.9.2.4, Noise Measurement Results, and summarized in Table 2.9-2 of the Draft EIR. As explained in Section 1.3 of the Acoustical Assessment Report for the JVR Energy Park Project (Appendix M of the Draft EIR), the baseline outdoor ambient noise measurements in Table 2.9-2 reflect average noise levels over a 10-minute period, as well as the maximum and minimum noise levels during that period.
- I117-68** The commenter states that the Draft EIR does not provide cumulative daytime noise levels and also states that these noise levels are likely to exceed the maximum noise levels permitted by the County. The commenter also asks that the Draft EIR include a table that shows cumulative daytime noise levels, which the commenter defines as “existing ambient noise levels plus proposed project operational noise levels.” In response, Section 2.9 Noise of the Draft EIR evaluates noise and vibration impacts based on the specific thresholds identified in the County’s Guidelines for Determining Significance – Noise (County of San Diego 2009a) and Appendix G of the CEQA Guidelines. Section 2.9.4.2, NSLU Affected by Airborne Noise – Exterior (Non-Construction), in Chapter 2.9, Noise, of the Draft EIR describes the analysis of predicted aggregate noise levels from all operating equipment associated with the Proposed Project. In addition to Table 2.9-4, Figure 2.9-3 depicts the Predicted Project Operation Noise Levels displays anticipated aggregate operation noise levels of less than 45 dBA Leq. The analysis and results demonstrate that noise attributed to normal

operations of stationary equipment would not cause the outdoor ambient sound level to exceed 56.4 dBA CNEL, which represents a significant impact level based on the arithmetic sum of the measured existing outdoor ambient CNEL at the longterm (“LT”, 24-hour continuous sound level monitoring) plus 10 dBA as allowed by Section 4.1.A.i of the County’s Noise Guidelines for Determining Significance. This analysis has been further refined in the Final EIR to account for the changes to the Proposed Project in the Final EIR and concludes that the currently Proposed Project configuration would not result in an exceedance of County noise standards. However, if the layout and/or types of stationary equipment were to change from what is analyzed in the EIR, the stationary operational noise levels from the Project may have the potential to exceed County’s noise standards and impacts would be potentially significant (Impact NOI-1). Implementation of mitigation measure **M-NOI-1** would reduce this potential impact to less than significant. In addition, the Proposed Project will implement **PDF-NOI-1** and mitigation measure **M-NOI-2** to ensure the PV panel washing activities are in compliance with County noise standards and any noise impacts from panel washing activities are less than significant.

**I117-69** The commenter states that continuous noise can have a substantial impact on the quality of people’s lives and the Proposed Project will generate noise 24 hours a day, seven days a week. In response, the Acoustical Assessment for the JVR Energy Park Project (Appendix M) and Section 2.9, Noise, of the Draft EIR analyzed noise impacts associated with the Proposed Project. With implementation of mitigation measures, the Proposed Project’s construction and operational noise impacts would be reduced to less than significant.

**I117-70** The commenter states that if the Proposed Project is approved, the battery locations must be placed farther from residences that would be affected by the continuous noise and will clearly exceed Jacumba’s current nighttime ambient noise levels. In response, Section 2.9.4.2, NSLU Affected by Airborne Noise – Exterior (Non-Construction), of Section 2.9, Noise, of the Draft EIR specifically describes the noise associated with the battery energy storage system. This analysis has been further refined in the Final EIR to account for the changes to the Proposed Project in the Final EIR. Based on this analysis, the Final EIR concludes that at a distance of no less than 300 feet to the nearest Proposed Project Property line, the noise emission from three battery storage units would be less than 39 dBA hourly Leq. Section 2.9 of the Final EIR further analyzes the combined stationary equipment noise levels. As stated above in Response to Comment, I117-68 the stationary equipment as currently designed would result in less than significant impacts. If the layout or types of stationary equipment were to change, with implementation of mitigation measure **M-NOI-1** impacts would be reduced to less than significant.

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- I117-71** The commenter states historically with its warm mineral springs, Jacumba, was the site of year-round of Diegueno or Kumeyaay inhabitation. The commenter also states Jacumba Indians are said to have attacked a mail station and the attack was successfully repelled. The comment does not raise an issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required.
- I117-72** The commenter states that in 1880 Native Americans were killed during a confrontation with cowboys in the northern Jacumba valley. The commenter than states whether they were buried there is unclear. The commenter states given the Kumeyaay’s important historical record in the area, ground-penetrating radar (GPR) should be used to survey the Project area to protect human remains or other cultural artifacts that may be present underground before metal supports for the solar panels are driven into the soil. In response, the Section 2.4.1.1 of the Draft EIR describes the methodology used to analyze prehistoric archaeological sites within the Project area including pedestrian survey and archaeological testing. These methods did not indicate the presence of Native American human remains or artifacts associated with a confrontation. However, Section 2.4 Cultural Resources of the Draft EIR includes mitigation measure **M-CR-1** which requires archaeological monitoring during construction. **M-CR-1** includes specific requirements in the event human remains are discovered. Also, a ground-penetrating radar survey of the proposed substation and Switchyard Facilities development footprint was conducted in November 2020. The GPR survey did not identify any GPR anomalies which are consistent with potential prehistoric-period archaeological features. The results of the GPR survey are included as Appendix F to the Cultural Resources Report (Appendix E to the Final EIR).
- I117-73** The commenter states the Proposed Project is located in a Fire Hazard Severity Zone for which a regional Wildland Urban Interface emergency plan has not been prepared. The commenter also states the Draft EIR identifies potential ignitions sources and fire risks but does not identify any increases to local firefighting staff or provide for additional equipment resources. The commenter further states there will be a reduction in local available firefighting staff when McCain Valley Conservation Camp closes in December 2020. In response, as stated in Section 3.1.6.3.1 of the Draft EIR, the Proposed Project would result in a potential increase in demand for fire protection services during construction, operation, and decommissioning. However, the increase in demand for fire protection services is not expected to require the provision of new or physically altered governmental facilities. As stated in Section 2.12 Wildfire of the Draft EIR, the Proposed Project would result in potential significant impacts associated with wildfire risks during Project operation (**Impact WF-1**) and during construction and decommissioning (**Impact WF-2**). Implementation of mitigation measures **M-WF-1** (Fire Protection Plan), **M-WF-2** (Construction Fire Protection Plan), and **M-WF-3** (Fire Protection and Mitigation Agreement) would reduce these impacts to less



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- than significant. **M-WF-3** requires the applicant to enter into a Fire Protection and Mitigation Agreement to make a fair share contribution toward local emergency response capabilities. The funding shall be used to mitigate risks of wildfire and to enhance fire suppression and emergency services capabilities for the Proposed Project and the southeast portion of CSA 135.
- I117-74** The commenter states that current daily staffing at the Jacumba Fire Station #43 is insufficient during the construction period and that the Project should require the Applicant to fund two additional full-time CalFire firefighters as a condition of approval. In response, please refer to Response to Comment I117-73. The Applicant must begin to make the payments required by **M-WF-3**, prior to the start of construction. In addition to mitigation measure **M-WF-3**, the Proposed Project will comply with mitigation measures **M-WF-2**, Construction Fire Plan, which requires the Project to implement specified measures during construction.
- I117-75** The commenter states that the County should develop a regional wildland emergency response plan that includes wildfire evacuations routes before approving any additional large-scale energy projects in the Boulevard and Jacumba areas. The comment does not raise an issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required.
- I117-76** The commenter states that there is a discrepancy between the Draft EIR, which states that understory fuels in the solar project area would be maintained roughly six inches, and the JVR Fire Protection Plan (Appendix N), which states that the solar project area is to be free of vegetation. The commenter also asks that this discrepancy be resolved and, if vegetation is to be removed, that the Final EIR provide information on anticipated herbicide usage. In response, Section 2.12.3.2, Wildfire Risk, Chapter 2.12, Wildfire, of the Draft EIR states that “[u]nderstory fuels would be maintained at roughly 6 inches[.]” Although the Fire Protection Plan (Appendix N) states that the Project site will be “free of vegetation,” the Fire Protection Plan clarifies that existing vegetation will be removed and replaced with native drought tolerant native species that will be maintained at 6 inches or less and ground cover will be less than 6 inches high. (Fire Protection Plan, p. 44.) Based on this clarification, there is no inconsistency between the Draft EIR and Fire Protection Plan. The comment also seeks information about herbicide use. Please refer to mitigation measure **M-BI-8**, which regulates the use of herbicides at the Project site. The comment also identifies an erratum on Draft EIR, page 2.12-32. The text in the Final EIR has been corrected to six 10,000-gallon water storage tanks.
- I117-77** The commenter states that the Draft EIR should have included 1928 aerial photos of the Project site. In response, as discussed in the Agricultural Resources Report

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- (Appendix O to the Draft EIR), a portion of the Project site was used for agriculture “from at least 1954.” Therefore, the Draft EIR considered as part of its analysis that the Project site may have been used for agriculture prior to 1954. Because this factor was considered as part of the analysis, and thus would not affect the determination of significance, the aerial photos are not required to be included.
- I117-78** The commenter states that there are General Plan policies and goals of the Mountain Empire Subregional Plan that encourage continuance of agricultural uses in the subregion. In response, the Draft EIR analyzes the Proposed Project’s consistency with relevant agricultural policies of the County General Plan and the Mountain Empire Subregional Plan in Section 3.1.1 Agricultural Resources (see Table 3.1.1-4). The comment does not raise an issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required.
- I117-79** The commenter states that as the population of the County continues to grow, more agricultural lands will be converted to urban land uses. The commenter also states that Draft EIR states at least one third of the development footprint is considered farmland of local importance. The commenter further states that since none of the land is currently under cultivation and the property has not entered into an agreement with the County to establish an agricultural preserve under the Williamson Act, the Draft EIR minimizes its value as important agricultural land. In response, an Agricultural Resources Report (Appendix O to the Draft EIR) was prepared for the Proposed Project. The Proposed Project’s impacts to agricultural resources were analyzed in accordance with the County Agricultural Guidelines and the County of San Diego Local Agricultural Resources Assessment (LARA) Model. The LARA Model was used to determine if the Project site has important agricultural resources, as defined by the LARA Model. The LARA Model takes into account primary factors (water, climate, and soil quality) and complementary factors (surrounding land uses, land use consistency, and slope) to determine the importance of agricultural resources. Based on the LARA Model results, it was determined that the Project site is not an important agricultural resource, and the Proposed Project’s impacts to agricultural resources would be less than significant.
- I117-80** The commenter summarizes the Draft EIR’s use of the LARA Model to determine the Proposed Project’s potential impact to agricultural resources. The comment does not raise an issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required.
- I117-81** The commenter states that the Draft EIR’s determination that the Proposed Project’s impacts to on-site agricultural resources are not significant appears to be arbitrary. The commenter also states the determination seemingly rejects 65 years of successful

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- agricultural use: 1928 to 1980 and 1999 to 2012. In response, the Proposed Project’s impacts to agricultural resources were analyzed in accordance with the County Guidelines for Determining Significance and the Report Format and Content Requirements – Agricultural Resources. Section 3.1.1 Agricultural Resources of the Draft EIR acknowledges that the Project site was historically farmed. The County of San Diego Local Agricultural Resources Assessment (LARA) Model was used to determine if the Project site has important agricultural resources, as discussed above in Response to Comment I117-81. It is acknowledged there was past agricultural use; however, based on the County’s Guidelines and the LARA Model, the Project site is not an important agricultural resource, as defined by the LARA Model.
- I117-82** The comment is a 1940 photograph of the Mountain Meadow Dairy farm. In response, the comment does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I117-83** The commenter asks whether the County considers private residences east of the Village core and Jacumba airport as “part of the town” given that the Draft EIR concluded that the Proposed Project will not physically disrupt or divide the Jacumba community. In response, while there are some rural residences located to the east of the Proposed Project, the development footprint would not transect or divide the main village residential and commercial areas of the Jacumba Hot Springs community.
- I117-84** The commenter states the community of Jacumba would benefit from some planned population growth. The commenter also states that the community would “be better served by a mixture of low-income housing, small ranches, and agricultural and recreational land uses” than by the Proposed Project. The comment does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I117-85** The commenter states that the Proposed Project would be inconsistent with the 2014 California-Baja California Border Master Plan. In response, please see Responses to Comments O7-165 through O7-167.
- I117-86** The commenter states that the General Plan Land Use Element has many policies that should make the placement of the JVR project incongruent with the rural landscape even if it is placed on a site zoned as without an adopted Specific Plan. The commenter also states without an adopted Specific Plan, an enormous solar project immediately adjacent to Jacumba should not be the default land use for the site. In response, the Draft EIR analyzes the Project’s consistency with the General Plan in Chapter 3.1.4, Land Use and Planning, and concludes the Proposed Project does not conflict with the General Plan. Please refer to Table 3.1.4.-4. Please also see Response to Comment O7-48 regarding the land use permitting process for the Project.

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- I117-87** The commenter states that the Draft EIR identifies Jacumba’s 2010 population as 561 perhaps to mitigate community concerns about project impacts when compared with its greater public benefits. The commenter also states if the County applies this logic to other large-scale energy projects, then rural landscapes will cease to exist outside of County and state parklands. In response, the Draft EIR discusses the 2010 census results for Jacumba Hot Springs in Section 1.4, Environmental Setting, of Chapter 1 of the Draft EIR. The Draft EIR describes the number of people living in Jacumba Hot Springs as part of its description of the environmental setting.
- I117-88** This commenter states that the Jacumba residents previously supported the placement of a solar project two miles east of town. The comment does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I117-89** The commenter states that the Draft EIR makes a determination that the project will not result in significant impacts to parks and recreation. The commenter further states that the placement of the Project’s fence within 40 feet of Jacumba’s senior center and community park will create significant and unavoidable visual impacts to the previously unobstructed views of the Jacumba Valley from those locations. In response, please refer to Section 3.1.5.3 of the Draft EIR for an analysis of the Project’s potential impacts to parks and recreation. As discussed therein, the Proposed Project would not result in increased use of existing parks such that substantial physical deterioration of a recreational facility would occur or be accelerated. The Proposed Project also does not include recreational facilities or expansion of facilities that would have an adverse effect on the environment. The Proposed Project’s impacts to views from parklands are analyzed in Section 2.1 Aesthetics. The Proposed Project has been revised to include an increased setback of 300 feet from the Project Property line adjacent to Jacumba Community Park. While the increased setback would reduce the impact to views from the Jacumba Community Park, the impact would remain significant and unavoidable.
- I117-90** The commenter states that the Proposed Project should provide community benefits in the form of appropriately signed and dedicated equestrian/pedestrian/mountain bike trails along the Proposed Project’s western boundary, along the northern and southern sides of Old Hwy 80 adjacent to project landscaping, and along the eastern side of the project that would lead to the former Ketchum farm buildings. In response, there is no nexus to require the Project applicant to provide a community trail/pathway because the Proposed Project is a renewable energy project and would not permanently increase the local population. The Proposed Project would not be permanently staffed on-site and the temporary construction workers would not generate a demand for recreational facilities, including community trails/pathways.

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- I117-91** The commenter states that the Draft EIR should describe the current condition of existing public roadways and identify appropriate mitigation measures to restore road conditions that are significantly impacted by construction traffic. In response, please see Response to Comment O6-111.
- I117-92** The commenter states that the start and stop times for the construction workday are inconsistent and asks that the Draft EIR be corrected to reflect the Project’s construction working hours. In response, the Final EIR has been corrected to state that construction hours shall start at 7:00 a.m. Construction will occur during workday hours consistent with all applicable County ordinances and regulations.
- I117-93** The commenter states that estimated water usage figures for the construction period are inconsistent throughout the Draft EIR. Construction water use is alternately listed as 140 acre-feet and 112 acre-feet. The commenter also states that the water supply information in the Draft EIR is inconsistent. The Draft EIR states the water will be supplied by on-site water wells and alternately construction water will be imported from Jacumba Community Service District’s wells with backup water from the on-site wells. In response, the correct construction water use estimate for the Draft EIR is 140 acre-feet. Subsequent to public review of the Draft EIR, the water use estimate was updated to 141.4-acre feet. All references to construction water use in the Final EIR have been updated to state 141.4 acre-feet. Regarding water supply, the Proposed Project will utilize on-site groundwater wells and will not utilize imported water from the Jacumba Community Service District as a backup source of construction water. Section 2.2 Air Quality of the Draft EIR conservatively estimated potential air quality emissions if the Proposed Project relied on imported construction water. (See Section 2.2, pages 2.2-35 and 2.2-36.) The Draft EIR notes that this conservative assumption was made despite the fact that “most of the water is anticipated to be supplied by the [on-site] wells.” (*Id.* at 2.2.-36.) This is a conservative assumption as producing water from onsite wells would generate less emissions than if the water supply were trucked to the Project site by Jacumba Community Services District. As shown in the revisions to the Air Quality (Section 2.2), Energy (Section 3.1.2), and Greenhouse Gas Emissions (Section 3.1.3) sections, this update does not alter the impact findings in the Draft EIR. Impacts remain less than significant with respect to air quality, energy and greenhouse gas emissions during construction.
- I117-94** The commenter states that the Draft EIR contains incorrect information about the number of Jacumba Community Service District (JCSD) customers, the groundwater source, and daily potable water demand on page 3.1.8-15 and in Table 3.1.8-4. The commenter requests that the Draft EIR be corrected and updated with information on the water provided by JCSD to support border wall construction. In response, Section 3.1.8.3.1, Water/Wastewater, of Section 3.1.8, Utilities and Service Systems, of the

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- Draft EIR provides an estimated groundwater demand of all current users of the basin, including the number of JCSD connections, and the estimated JCSD daily potable water demand. Section 3.1.8.3.1 of the Draft EIR also contains information describing the source and use of Jacumba Wells #7 and #8. As identified in the Groundwater Resources Investigation Report (Appendix J of the Draft EIR), this information was obtained from personal communications with the General Manager of the JCSD in 2019 and based on a review of available information at the time of drafting the report. The comment does not provide evidence or reference materials to support the statement that the information provided is incorrect. With respect to the question related to use of water provided by JCSD to support border wall construction, please refer to Response to Comment O6-13.
- I117-95** The commenter states there is an inconsistency between the amount of grading listed in Chapter 1, Project Description, and Chapter 2.1, Aesthetics, in Table 2.1-1. In response, the correct amount of grading in the Draft EIR was 264,000 cubic yards of cut material be redistributed with the development footprint. The amount of grading in the Final EIR has been updated, based upon further engineering of the Project, to 280,000 cubic yards of cut redistributed across the development footprint.
- I117-96** The commenter states that the Project life is alternatively described as 35, 37 and 38 years. In response, as described in Section 1.2, Project Description, the Proposed Project would have a 35-year operational lifespan. With decommissioning and construction, the Project would be approximately 37 years. For purposes of the groundwater analysis only, the Proposed Project was conservatively assumed to have an operational life span of 38 years.
- I117-97** The commenter states that the Draft EIR states the Project construction start date is December 2020. In response, the start date of December 2020 was used to conservatively calculate air emissions associated with Project construction using a worst-case scenario. As noted, if the Project is constructed after December 2020, air emissions of construction equipment would likely be lower because “equipment and vehicle emission factors for later years would be slightly less due to more stringent standards for in-use off-road equipment and heavy-duty trucks, as well as fleet turnover replacing older equipment and vehicles in later years.” (See Section 2.2, Air Quality, Footnote 5.)
- I117-98** The commenter states that the Draft EIR describes the Jacumba community as 250 acres in Chapter 4, Project Alternatives, and Chapter 2.1, Aesthetics, describes the majority of development as being concentrated on less than 100 acres. In response, Section 2.1, Aesthetics, states that “the majority of development in Jacumba Hot Springs is concentrated on a less than 100-acre area located north of Old Highway 80,

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- east of Railroad Street, and west of Laguna Street.” Chapter 4, Alternatives, states that “[t]he existing community is approximately 250 acres . . .” in the context of describing the “Buildout No Project” Alternative, given that the alternative would be estimated to add 1,100 residential units and approximately 1,000 acres to the community. Section 2.1, Aesthetics, describes where the community is most highly concentrated, and Chapter 4, Project Alternatives, describes the area of the community as a whole.
- I117-99** The commenter states that for Jacumba residents or business owners, two of the Project alternatives do not “provide any meaningful reductions in the project’s scale, its location on two sides of the town or its negative impacts to the town’s future and the natural environment.” In response, the Draft EIR analyzed a reasonable range of alternatives in accordance with CEQA. The Community Buffer Alternative in the Final EIR has been revised to include increased setbacks from Old Highway 80 and Jacumba Community Park. Please refer to Section 4.4 of the Final EIR.
- I117-100** This commenter states that the No Development No Project Alternative is the only alternative that does not generate environmental impacts and does not impact Jacumba’s future growth. The comment does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I117-101** The commenter states that the Draft EIR seems to suggest the Proposed Project is an interim use and not a precursor to another “massive green energy project.” The commenter also states that the Draft EIR would also have residents believe that the project is a “lesser evil” when compared to the “Ketchum Ranch/JVR specific plan that was withdrawn in 2011.” The comment does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I117-102** The commenter states that the Draft EIR rightfully admits that the No Development No Project Alternative is the environmentally superior alternative. The comment does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I117-103** The commenter states that the Community Buffer Alternative does not deliver on its promise to provide a real community buffer as it only increases setbacks on the northeast side of town. The commenter further states with the meager setbacks for southeast side of town and community park, the alternative does “not provide a legitimate community buffer.” In response, the Community Buffer Alternative as analyzed in the Draft EIR satisfies the requirements of CEQA to analyze a reasonable range of alternatives that would feasibly attain most of the “basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.” (CEQA Guidelines, § 15126.6(a).) Section 4.4.1 of Chapter 4, Alternatives, states that the Community Buffer Alternative was developed to “specifically provide a

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visual buffer between the proposed solar facility and the private properties, as well as a noise buffer from residential uses during construction and operations.” The Draft EIR, in other words, included the Community Buffer Alternative to provide informed decision making about the ramifications of providing a larger setback from the Jacumba Hot Springs community in order to reduce impacts related to noise and aesthetics. Nonetheless, based on comments received during public review of the Draft EIR, the Community Buffer Alternative in the Final EIR has been revised to include increased setbacks from Jacumba Community Park and along both sides of Old Highway 80. Please refer to Section 4.4 of the Final EIR.

- I117-104** The commenter states that the Reduced Project Alternative would mitigate some biological impacts and some aesthetic impacts to motorists on I-8 and from State Park lands, but the alternative does “nothing for Jacumba residents and community center/park users, glider planes using the Jacumba airport, and motorists travelling east or west on scenic Highway 80.” The commenter also states that a reduction “in project footprint should be applied to the southern portion of the project that is adjacent to Jacumba.” In response, CEQA requires the Draft EIR to analyze a reasonable range of alternative that avoid or substantially lessen the significant environmental effects of the Project and feasibly attain most of the Project objectives. (CEQA Guidelines, § 15126.6.) The Reduced Project Alternative satisfies this standard—it feasibly attains most of the Project objectives, while substantially reducing impacts to views from I-8, state park lands, Round Mountain, Airport Mesa, and Table Mountain, as well impacts to the visual character of the Project area. However, these impacts would remain significant and unavoidable. (See Chapter 4, Project Alternatives, Section 4.5.) Further, please refer to Global Response GR-6 Alternatives in the Final EIR, which discusses an alternative that prohibits development south of the SDG&E corridor.
- I117-105** The commenter states that the Draft EIR rejects other project alternatives because “they do not provide financial benefit to the project applicant.” The comment states that “there are a number of large solar sites 1 MW or greater that can and should be sited on city parking lots and other structures.” In response, please see Response to Comment O6-42.
- I117-106** The commenter states that the Draft EIR rejects the ECO Substation Connection Alternative (No Switchyard) because “it is unknown if the existing 58-acre substation operated by SDG&E has a capacity to receive the energy produced by the JVR project or if the applicant’s use of the existing substation would be approved by SDG&E.” The commenter also asks why this information was not obtained prior to including the switchyard in the Project. In response, as described in Section 4.2.4, of Chapter 4, Project Alternatives, the Final EIR rejects the ECO Substation Connection Alternative because it could not be feasibly implemented by the Project Applicant and would not



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- reduce the Proposed Project’s environmental impacts. The Final EIR finds that the ECO Substation Connection Alternative would result in additional 4.3 acres of permanent impacts and 14.5 acres of temporary impacts to sensitive habitat that would far exceed the switchyard impact area avoided on-site. Further, the alternative would increase air quality and greenhouse gas, paleontological, cultural, and geological impacts. Please also refer to Global Response GR-6 Alternatives in the Final EIR.
- I117-107** The commenter states that the County of Los Angeles and County of San Bernardino Board of Supervisors have recently begun denying the construction of large solar and wind farms on private land. The comment does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I117-108** The commenter requests the County Board of Supervisors to take similar action to the Counties of Los Angeles and San Bernardino and reject the Project. The comment states that residents in the backcountry deserve protection. In response, the County acknowledges the commenter’s opposition to the Proposed Project. The comment does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I117-109** The commenter states that the commenter is opposed to the Project and supports the No Development No Project Alternative. The comment states that “point-of-use rooftop solar installations are a more environmentally sustainable and efficient way to provide power to urban consumers.” In response, the County acknowledges the commenter’s opposition to the Proposed Project. In regard to rooftop solar installations, please refer to Response to Comment O6-42. The comment does not raise concerns related to the adequacy of the Draft EIR; therefore, no further response is required.
- I117-110** The commenter states that “sadly I am not so naïve as to believe that some version of the JVR Project will not be approved by our County leaders. Therefore, I am proposing the Jacumba Matters Alternative.” The commenter further states this alternative is one that residents of Jacumba might support, but additional community concerns may be identified which are not addressed in the “Jacumba Matters Alternative.” In response, this comment serves as an introductory comment to Comments I117-111 through I117-115. As such, no specific response is required. Please refer to Responses to Comments I117-111 through I117-115 and Global Response GR-6 Alternatives.
- I117-111** The commenter states that the Jacumba Matters Alternative would require the project applicant to agree to a reduction in the size and the scale of the solar project. The commenter also states this alternative would eliminate the placement of all solar panels south of Old Highway 80. The commenter further states that would allow glider planes to safely operate from Jacumba Airport, preserve the quality of life for the private residence of the south side of Old Highway 80, preserve important acreage for a future

Point of Entry at the Mexican border, and preserve some of Old Highway 80's scenic views. The commenter then states this might reduce energy production by as much as 20 MW. In response, Chapter 4 Project Alternatives of the Draft EIR analyzes a reasonable range of alternatives that "could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects." (CEQA Guidelines, § 15126.6(c).) This reasonable range satisfies CEQA's requirements. The commenter has provided no evidence to the contrary.

Further, the Draft EIR need not consider an alternative that does not offer significant environmental advantages in comparison with the Project or with alternatives that are presented in the Draft EIR. (*Ibid.*; *Sequoyah Hills Homeowners Association v. City of Oakland* (1993) 23 Cal.App.4th 704, 713.) The commenter's proposed modifications to the Proposed Project do not offer significant environmental advantages to the Community Buffer Alternative or the Reduced Project Alternative, as impacts to aesthetics and visual resources would remain significant and unavoidable given the contrast between the development of a utility-scale solar facility on site and the community character/rural and open nature of the surrounding area. While the commenter's proposed alternative would eliminate all solar panels south of Old Highway 80 and therefore would reduce impacts to southward views from Old Highway 80 and from Jacumba Community Park, the Proposed Project's impacts to northward views from Old Highway 80 and Jacumba Community Park would remain significant and unavoidable.

However, subsequent to public review of the Draft EIR, the Proposed Project design in the Final EIR has been revised to include increased setbacks along both sides of Old Highway and Jacumba Community Park. Please refer to Response to Comment I117-11. These same increased setbacks have also been incorporated into the Community Buffer Alternative in the Final EIR.

In regard to glider planes operating from Jacumba Airport, Section 2.6.3.4 Airport Hazards of the Final EIR includes an analysis of the Proposed Project and concludes that the Proposed Project's environmental impacts related to airport hazards would be less than significant. Section 3.1.4, Land Use and Planning, of the Draft EIR concludes that the Proposed Project would be consistent with the Jacumba Airport Land Use Compatibility Plan. Please also refer to Global Response GR-5 regarding the Jacumba Airport and glider plane use. Also, please refer to a technical memorandum which is included as Appendix T in the Final EIR.

With respect to a future Port of Entry, Section 3.1.4 Land Use and Planning of the Draft EIR explains that the Border Master Plan has identified the Jacumba-Jacume Port of Entry project as being in its early conceptual planning stages with no funding, and the

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lack of sufficient data prevented the prioritization of the project. (CEQA Guidelines, § 15145 [an EIR need not analyze speculative impacts]; *Rodeo Citizens Assn. v. County of Contra Costa* (2018) 22 Cal.App.5th 214, 227-28.)

Although the Draft EIR includes a reasonable range of alternatives and the “Jacumba Matters Alternative” may be technically and legally infeasible and does not offer significant environmental advantages to the alternatives analyzed in the Draft EIR, the commenter’s proposed alternative is analyzed in further detail in Global Response GR-6 Alternatives in the Final EIR.

**I117-112** The commenter states that the Jacumba Matters Alternative would increase project setbacks along the north side of Old Highway 80 to 200 feet where the developer would create a dedicated and signed community trail or pathway outside of the Project landscaping. The commenter also states this trail/pathway would connect with another trail/pathway along the eastern project boundary to the former Mountain Meadow dairy. In response, Chapter 4, Project Alternatives, of the Draft EIR analyzes a reasonable range of alternatives that “could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects.” (CEQA Guidelines, § 15126.6(c).) This reasonable range satisfies CEQA’s requirements and the commenter has provided no evidence to the contrary.

Further, the Draft EIR need not consider an alternative that does not offer significant environmental advantages in comparison with the Project or with alternatives that are presented in the Draft EIR. (*Ibid.*; *Sequoyah Hills Homeowners Association v. City of Oakland* (1993) 23 Cal.App.4th 704, 713.) The commenter’s proposed Jacumba Matters Alternative would not offer significant environmental advantages to the Community Buffer Alternative or the Reduced Project Alternative, as impacts to aesthetic and visual resources would remain significant and unavoidable given the contrast between the development of a utility-scale solar facility on site and the community character/rural and open nature of the surrounding area and impacts to views from Old Highway 80. While the commenter’s proposed alternative may reduce impacts to northward views from Old Highway 80, the impacts would remain significant and unavoidable. The commenter does not provide any evidence showing the increased setback to the north of Old Highway 80 would offer any significant environmental advantages that would reduce the impact to northward views from Old Highway 80 to less than significant—especially considering the Final EIR finds a significant and unavoidable impact to these views despite the Proposed Project’s increased setbacks on the north side of Old Highway 80. However, please refer to Global Response GR-6 Alternatives in the Final EIR, which includes an analysis of the commenter’s proposed alternative in further detail.

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As mentioned above, the Proposed Project has been revised in the Final EIR to include increased setbacks along both sides of Old Highway 80 and from Jacumba Community Park, as described in Chapter 1 of the Final EIR. Please also refer to Response to Comment I117-11. These same increased setbacks have also been incorporated into the Community Buffer Alternative in the Final EIR.

Regarding the commenter's recommendation to include a community trail/pathway, there is no nexus to require the Project applicant to provide a community trail/pathway because the Proposed Project is a renewable energy project and would not permanently increase the local population. The Proposed Project would not be permanently staffed onsite and the temporary construction workers would not generate a demand for recreational facilities, including community trails/pathways.

- I117-113** The commenter states that the Jacumba Matters Alternative would increase project setbacks on the north side of Old Highway 80 adjacent to private residences to 200 feet. The commenter also states the developer would create a community trail/pathway outside of the project landscaping. The commenter further states that a setback of 100 feet would continue along the entire length of the northwestern project boundary where the developer would continue the community trail or pathway. The commenter then states these larger setbacks could serve as de facto wildlife corridors. In response, Chapter 4, Project Alternatives, of the Draft EIR analyzes a reasonable range of alternatives that “could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects.” (CEQA Guidelines, §15126.6(c).) This reasonable range satisfies CEQA's requirements and the commenter has provided no evidence to the contrary.

Further, as discussed above in I117-112, the Draft EIR need not consider an alternative that does not offer significant environmental advantages in comparison with the Project or with alternatives that are presented in the Draft EIR. While the commenter's proposed alternative may slightly reduce impacts to views north of Old Highway 80, the impacts would remain significant and unavoidable. Regarding the commenter's recommendation to include a community trail/pathway, there is no nexus to require the Project applicant to provide a community trail/pathway as discussed above in Response to Comment I-117-112. However, please refer to Global Response GR-6 Alternatives in the Final EIR for a more detailed analysis of the commenter's proposed Jacumba Matters Alternative.

- I117-114** The commenter states that the Jacumba Matters Alternative would eliminate the placement of solar panels and battery storage containers “on the hill where the old farm buildings are currently located because they will not be screened by a 6-foot high fence at grade level near Old Hwy 80.” The commenter also states that “in addition to leaving

existing trees and vegetation around the hill intact to support local raptors and other wildlife, the developer would also restore and preserve selected historic farm buildings as an educational site that could be enjoyed by the public.” The commenter further states the developer would provide a dedicated community path or trail along the eastern boundary of the project to the site. In response, in accordance with CEQA, the Draft EIR is required to analyze a reasonable range of alternatives that “could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects.” (CEQA Guidelines § 15126.6(c).) The Draft EIR may eliminate alternatives that do not avoid or substantially lessen one or more of the significant effects. (*Ibid.*) The commenter’s recommended Jacumba Matters Alternative would not avoid or substantially lessen the Project’s significant and unavoidable impacts to aesthetics and visual resources, or the significant and unavoidable impact to mineral resources associated with the permanent preservation of habitat onsite (mitigation measure **M-BI-3**). The Draft EIR concluded the Proposed Project would not result in significant effects to biological resources with implementation of mitigation measures. Further, for clarification, the Draft EIR concluded that the Mountain Meadow Dairy complex is not considered a historical resource under CEQA. Please refer to Section 2.4 Cultural Resources and the Historical Resources Technical Report (Appendix D of Appendix E) of the Draft EIR. The commenter’s recommended Jacumba Community Matters alternative would be similar to the Reduced Project Alternative and the Community Buffer Alternative in that the Proposed Project’s impacts to aesthetic and visual resources would remain significant and unavoidable. (See Chapter 4, Project Alternatives; *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 491.) Accordingly, the Draft EIR need not analyze the commenter’s proposed modifications to the Project as an alternative. In regard to the commenter’s recommendation to include a community trail/pathway, there is no nexus to require the Project applicant to provide a community trail/pathway as discussed above in Response to Comment I117-112.

Although the Draft EIR includes a reasonable range of alternatives and the “Jacumba Matters Alternative” may be technically and legally infeasible and does not offer significant environmental advantages to the alternatives analyzed in the Draft EIR, the commenter’s proposed alternative is analyzed in further detail in Global Response GR-6 Alternatives in the Final EIR.

**I117-115** The commenter states that the Jacumba Matters Alternative would eliminate the Project’s switchyard and underground the energy generated by the Project directly into the electrical grid via the SDG&E ECO Substation. The commenter also states that this alternative would eliminate the need for overhead transmission lines, thereby minimizing long-term visual and biological impacts. The commenter further states that

the alternative would remove the battery storage containers from the JVR Project area because they would not be necessary or relocate them small battery farms near the urban areas where electricity will be used. In response, in Chapter 4, Project Alternatives, the Draft EIR considered the ECO Substation Connection Alternative (No Switchyard) that would eliminate the Project’s switchyard and instead underground a 4-mile line to the existing ECO Substation. As clarified in the Final EIR, the Alternative was rejected because it could not feasibly be implemented by the Project Applicant and would increase the Proposed Project’s environmental impacts. Please refer to Response to Comment I117-106. Further, the Draft EIR considered the Distributed Generation and Storage Policy (Rooftop Solar Panels) Alternative, which would deliver the equivalent capacity of 90 MW of energy production and storage through home systems. The Draft EIR considered but rejected the Alternative because it would not meet most of the Project objectives, and it could not feasibly be implemented. With respect to removing energy storage components from the Proposed Project, please refer to Response to Comment O6-20. However, the commenter’s proposed Jacumba Matters Alternative is analyzed in further detail in Global Response GR-6 Alternatives in the Final EIR.

- I117-116** The commenter states that many of the project mitigations and community benefits as laid out in the Jacumba Matters Alternative have not been required for other renewable energy projects; however, “a solar project of this magnitude in such close proximity to a rural community has never been proposed” in the County. The comment also states that doesn’t mean those project conditions are not feasible or not worth exploring and implementing. The commenter further states “Jacumbians are asking County leaders to deny the JVR Project or significantly reduce its size and scale to preserve their quality of life.” In response, this comment serves as concluding remarks from the commenter regarding the Jacumba Matters Alternative. Please refer to Responses to Comments I117-111 through I117-115. The County acknowledges the commenter’s opposition to the Proposed Project.