Response to Comment Letter I31

Earl Goodnight
February 10, 2014

I31-1 The County of San Diego (County) acknowledges the commenter’s opposition to the Proposed Project. The information in this comment will be provided in the Final Program Environmental Impact Report (FPEIR) for review and consideration by the decision makers.

I31-2 Issues raised in this comment related to aesthetics were considered and addressed in the Draft Program Environmental Impact Report (DPEIR). It has been determined that the Proposed Project would have certain significant and unavoidable impacts on scenic vistas and visual character and quality. If approved, implementation of all feasible mitigation to reduce these impacts would be required, including the landscape screens provided for in M-AE-PP-1.

I31-3 Issues raised in this comment related to dust were considered and addressed in the DPEIR. Fugitive dust during operation of the proposed project would be controlled through dust reduction measures (including the annual application of a nontoxic soil stabilizer or other acceptable methods) that would be implemented as conditions of project approval. With the implementation of these measures, fugitive dust emissions would be further reduced during project operations. In addition to
soil stabilizers, Mitigation Measure M-BI-PP-5, as described in Chapter 2.3 of the DPEIR, requires the development of a project-specific fugitive dust control plan to control fugitive dust during construction. See also the response to comment I27-2. Given the project and site-specific evaluation and mitigation was provided for the Proposed Project only, the comment related to the applicant’s project near Borrego Springs is not relevant.

**I31-4**

The County disagrees that the Proposed Project “goes against the Plans, Policies and regulations of the area”. Section 2.5.3.2 analyzes each proposed solar farm’s consistency with General Plan land use designations, the zoning classification of the parcels, County ordinances, Board of Supervisors policies, General Plan policies, and applicable subregional plans. The DPEIR found that the Rugged and Tierra del Sol solar farms would be in conformance with all land use regulations, plans, and policies (DPEIR Section 2.5.3.2). In addition, the Wind Energy Ordinance adopted by the Board of Supervisors in 2013, which amended the Boulevard Subregional Plan, has been upheld in Protect Our Communities Foundation v. San Diego County Board of Supervisors (San Diego Superior Court case no. 37-2013-00052926-CU-TT-CTL).

Potential significant unmitigable impacts related to land use were found with respect to the LanEast and LanWest solar farms, due to their proximity to Interstate 8. It was determined that both the LanEast
and LanWest projects would not be in compliance with General Plan policy COS-11.3 that protects scenic highways, corridors, and scenic landscapes and requires the minimization of visual impacts in rural areas (see DPEIR Section 2.5.3.2). If the Proposed Project is approved, a Statement of Overriding Considerations will be prepared for approval by the decision makers.

**I31-5**
The California Environmental Quality Act (CEQA) significance thresholds related to groundwater were developed by a technical panel and the County Geologist. The County has discretion under CEQA to set thresholds of significance for a project (see Save Cuyama Valley v. County of Santa Barbara (2013) 213 Cal. App. 4th 1059, 1067–1068). Without any comments directed at the project-specific groundwater resources investigation reports, or evidence showing the Proposed Project would exceed the County’s CEQA significance thresholds specifically, the County cannot provide a more specific response. However, this comment will be provided in the FPEIR for review and consideration by the decision makers.

**I31-6**
As stated in Section 3.1.8.3.2, Roadway Segment Operation Impacts, of the DPEIR, the temporary addition of construction traffic to existing traffic would not cause roadway segment operations to fall below acceptable level of service (LOS) levels. For local County of San Diego Mobility Element Roads, LOS D is acceptable. Per County *Guidelines for
Determining Significance, if a project causes roadway segment operations to fall below LOS D then a potentially significant impact could occur. The analysis in the DPEIR demonstrates that the Proposed Project construction would not cause roadway segments on local Mobility Element Roads to operate below LOS D. No changes to the environmental document is required as a result of this comment.

The comment regarding the San Diego Gas & Electric substation on Jewel Valley Road is noted. This comment does not address the Proposed Project or the adequacy of the DPEIR.

The Proposed Project does not propose paying into the County of San Diego TIF program as a mitigation measure to address construction traffic. The TIF program provides funding for construction of transportation facilities needed to support traffic generated during the operational phase of new development. Please also refer to common response TRAF1, which addresses the maintenance of Proposed Project area roads.

The County acknowledges the commenter’s opposition to the Los Robles site as an alternate location and their support for the No Project Alternative. Please refer to common response ALT1 regarding the selection of the Los Robles site as an alternative location. The County decision makers will consider all information provided in the FPEIR and
related documents before making a decision on the Proposed Project. The information in this comment will be provided in the FPEIR for review and consideration by the decision makers.
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