

Comment Letter I76

Hingtgen, Robert J

From: York Heimerdinger <york@bluewestsolutions.com>
Sent: Monday, February 17, 2014 6:39 PM
To: Wardlaw, Mark
Cc: Ramaiya, Jarrett; Gungle, Ashley; Hingtgen, Robert J; Slovick, Mark; york@bluewestsolutions.com
Subject: Comment on Draft EIR Report for the Soitec Solar Projects
Attachments: Comments EIR Soitec Final.docx

Mr. Wardlaw,

With respect, I offer comments in attachment above to go on record regarding the most current EIR Draft Report for the proposed Soitec Solar Projects.

As fellow San Diegans, I am sure each of you has that feeling of pride we all live with being San Diegans, and each enjoys our beautiful San Diego County in their own way. As reading the comments above I certainly hope you all feel my pride for all of San Diego County. As a 54 year old San Diegan, I have never been so concerned with development as much I am now with the Soitec Solar projects proposal to be located in a residential area of our East County.

I trust you all as fellow San Diegans to do what is correct for San Diego's East County communities. May the "good" force be with you!

Thank you for all very much for the hard work you do for us!

Sincerely,
 York Heimerdinger

I76-1

Response to Comment Letter I76

York Heimerdinger
 February 17, 2014

I76-1

This comment is introductory in nature and does not raise an environmental issue.

<p>February 17, 2014</p> <p>Mr. Mark Wardlaw Director/SD County Planning & Development Services 5510 Overland Ave., STE 310 San Diego, CA 92123</p> <p>RE: Comments on draft EIR report for the proposed Soitec Solar development project</p> <p>Mr. Wardlaw,</p> <p>As the director I feel it is your responsibility to stop or at least scale back these solar projects proposed to be located in our sensitive east county.</p> <p>The County of San Diego has worked diligently with local SD east County residents on a General Plan over the last years to determine the "best" most practical planning and zoning regulations for the County and local residents and visitors' best interest in the east county of San Diego. These proposed Soitec Solar projects fly directly in the face of what we, the local planning groups and the local residents are trying to achieve with the County General Plan, Regional Plan, Mountain Empire sub-regional plan and also the established local zoning regulations and ordinances currently in place. Just because a new idea or designation has created an "energy corridor" in our area does not mean that this "corridor" should be taken advantage of by energy interests that apparently propose to invade in a large scale and basically erase all the historical planning, time, effort, and communication with local residents to set guidelines now in place that has created the amazingly beautiful and rural area so many of us call home. The proposed projects large scale creates virtual seas of metal and glass that will absolutely negatively impact our local property values. How do the project proponents plan to compensate the local land owners and residents for the immediate and continued loss of property values that will follow from these proposed projects?</p> <p>These proposed projects have no positive impact to the local residents and land owners! If these projects are allowed to move forward, at their proposed large scales, this will create an indefinite legal battle continuing on for years to follow. The director position sir is not an easy job, to say the least, but one can always follow his or her heart and stay on the path of what we the San Diego local residents have determined to be the right way in the past and not "cave in to special interests". We have the San Diego General Plan for a reason, and the reason DOES NOT include the invasive large scale projects created out of "special interest" FROM OUTSIDE OUR COUNTY. The few local land owners and/or residents that do support these projects are the exception to the rule amongst the crowds of local resident and land owners that are opponents to these projects. Why should outsiders of our area be able to change or "amend" what the local residents have agreed too and spoken out as the correct way of planning the General Plan? Amending the General Plan to accommodate these projects is flat out criminal!</p> <p>Please reconcile for us all how the proposed "Rugged" projects act of "clearing, grubbing and grading" of approximately 450 acres of pristine habitat correlates to the Biological Resources Report, statements under I-113, Vegetation. Direct wording....Two vegetation communities in the project area have a conservation status of 'S3' which means it is "VERNERABLE TO EXTIRPATION OR EXTINCTION". This includes semi-desert chaparral habitat.</p>	<p>I76-2</p> <p>This letter expresses the commenter's opposition to the Proposed Project The information in this comment letter will be provided in the Final Program Environmental Impact Report (FPEIR) for review and consideration by the decision makers. The Proposed Project's effect on local property values is not an environmental issue, and as such is not evaluated in the DPEIR. Research analyzing property values proximate to wind turbine projects has found no net effects on property values. (Univ. of Connecticut, Lawrence Berkeley National Laboratory, <i>Relationship between Wind Turbines and Residential Property Values in Massachusetts</i> [Jan. 9, 2014].) It is reasonable to believe that the Proposed Project will have similar lack of effect. In response to the commenter's statement that the Proposed Project will have no positive impacts on local residents and land owners, the DPEIR identifies that Proposed Project will create permanent employment, and contribute funding towards local emergency response capabilities. As part of the discretionary process, applicants are allowed to apply for General Plan Amendments (GPA). However, GPAs must be analyzed according to all required Federal, State, and local laws and regulations, and must be vetted through the public process. Ultimately, the GPA must be considered by the decision makers who must consider all information provided throughout the discretionary process.</p>
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	<p>I76-3 The Draft Program Environmental Impact Report (DPEIR) analyzes potential environmental impacts to biological resources, including special-status plant and wildlife species, in Chapter 2.3, Biological Resources. The DPEIR's analysis is based in part on the Biological Resources Report (Appendix 2.3-2) for the Rugged Solar Project, quoted by the commenter. The Proposed Project's potential impacts to historic resources is analyzed in the DPEIR, Chapter 2.4, Cultural Resources. The commenter's suggestion that the Proposed Project be relocated to BLM land is acknowledged. The Proposed Project is an allowed use under the current zoning (S92) for the Proposed Project area with the approval of a Major Use Permit. Although the draft East County Multiple Species Conservation Area (ECMSCP) has not been approved, the DPEIR analyzes the Draft Conservation Strategy for the ECMSCP for consistency. That analysis is presented in Chapter 2.3, Biological Resources, of the DPEIR. The County and wildlife agencies review projects using the interim processing guidelines in Section 6.6 and Exhibit B of the MSCP East (and North) Planning Agreement and the Focused Conservation Areas map, and those projects that achieve conservation requirements when that review is completed are deemed consistent with the draft MSCP East Plan's Preliminary Conservation Objectives.</p>
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Also statement in I-113, Habitat: "The project area supports a variety of plant and wildlife species considered special-status by Federal, State and local agencies". I cannot be denied that the "Rugged" proposed area of coverage has a history of cattle grazing dating back to the 1800's. This is a historic valley, so beautiful and productive that the cattle drivers made it a stop and temporary home for the cattle herds as they were driven from the Imperial Valley up into the Lagunas before they went to market in San Diego's Mission Valley. McCain Valley is not just some desert valley it is the historic home of famed Tule Jim McCain hence its name. The County of San Diego would absolutely loose one if it's most scenic and historic pristine valleys to a sea of metal and glass if the Rugged projects proposed area is not moved. I propose to move the "Rugged" project's area of coverage east to BLM land!

The entire "Rugged" proposed project footprint is within the future East County Multiple Species Conservation Program Plan Area and requires a Major Use Permit to authorize changes within current zoning ordinance. This fact alone should act as a "Red Flag" to warn of the potential irreversible damages that will be done if this project is allowed to continue where it is geographically proposed.

Looking at the stated facts of the proposed "Rugged" project, this is by most everyone's definition (except special interest individuals), is an "industrial" project. If one needs to go back to the wording or definition of "industrial" to argue this side, here are the facts. "Rugged" project only.

- Land coverage is a minimum of 455 acres to be "cleared, grubbed and graded" (horribly disturbed)
- 3,588 CPV trackers, each 48' across and 30' tall (vast mirror and metal robotic panels)
- all 3,588 CPV trackers will stand on 28' diameter steel poles driven 20' into the ground and encased in concrete

If this is not "industrial", then what is it? The change will be so drastic that a view out your home window of grazing cattle and a historic East County treasured valley becomes a sea of metal and mirrored glass. The glass will be 30' high (higher than the rare live oak trees in this area!! This is absurd! Who will compensate the residential land owners that are adjacent these project boundaries or whose views are ruined and their real estate has devalued SIGNIFICANTLY? This "Rugged" portion of these projects is in itself way to geographically large for this area and will certainly "look very industrial"!

In my opinion, the inference within EIR Section 3.1.1.3.3 stating that the "Rugged Solar Farm" would have no impact regarding conflicts with current zoning designations is absolutely absurd! ...this inference gives many of us a clear view of who paid for the EIR report to be produced in their favor.

Within this EIR, Biological Resources report - Rugged Solar, Water 2.2.2.1, Temporary Indirect Impacts/Changes in Hydrology

"Construction could result in hydrologic and water-quality-related impacts". How will the local residential property owners that have residential water well that are unfortunately located adjacent or near the projects proposed water wells be compensated? How will these people be compensated for damages now during construction in "drought conditions", and also in the future if the water conditions worsen? Please make these project developers prepare a contingency plan for these negatively impacted residential well holders if not stop the project or at least have water wells relocated from current proposed placement within the EIR that are located by residential permitted wells. If one believes what the McCain Valley aquifer is readily rechargeable with our last few year rain totals, then explain why the valley has much less surface and underground water than it did 10, 20, 30, 40 plus years ago? The answer is not global warming, but the fact that the McCain Valley has not enough water in underground storage or the ability to regenerate to support this projects construction let alone long term maintenance. Period!

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Cont.

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I76-4

In response to this comment, the County has made revisions and clarifications to the DPEIR. These revisions to the EIR are presented in ~~strikeout~~underline format; refer to Section 1.6, Project Inconsistencies with Applicable Regional and General Plans. The text has revised to clarify that Project inconsistencies with applicable regional and general plans are discussed in Chapters 2.5 and Section 2.3. To the extent these changes and additions to the EIR provide new information that may clarify or amplify information already found in the DPEIR, they do not raise important new issues about significant effects on the environment.

The Proposed Project's characterization and consistency with current zoning designations is better described in Chapter 2.5, Land Use, of the DPEIR, rather than Chapter 3.1.1, Agriculture and Forestry Resources, as suggested by the commenter. Please refer to Policy LU 1.1.1 of the Boulevard Subregional Plan, summarized in Section 2.5.2, Regulatory Setting, of the DPEIR. As stated in this policy, "solar and wind projects, are not 'industrial-scale projects or facilities' for purposes of this Subregional Plan." Rather, the Proposed Project is defined as a "Civic Use Type" and, more specifically, as a "Major Impact Services and Utilities" land use by the County Zoning Ordinance. Nevertheless, the DPEIR characterized components of the Proposed Project as industrial in

	<p>character in Chapter 2.1, Aesthetics, of the DPEIR, which is consistent with the nature of this comment. See response to comment I17-5 for details related to visual issues and response to comment I76-2 above related to property values.</p> <p>I76-5 The statement “construction could result in hydrologic and water-quality related impacts” in this comment is not inconsistent with the language in the DPEIR. However, as further clarified in the DPEIR (see Chapter 2.3, Biological Resources), the Proposed Project would implement mitigation, including M-BI-PP-3 (which requires implementation of a SWPPP and associated best management practices), which would reduce potential impacts to less than significant.</p> <p>In response to the statement related to the abuse of Policy I-84 and the Land Development Ordinance, as stated in response to comments I76-2 above, the project must comply with all Federal, State, and local laws and regulations. Issues raised in this comment related to potential groundwater impacts were considered and addressed in the DPEIR; see Chapter 3.1.5, Hydrology and Water Quality, and Chapter 3.1.9, Utilities. Private wells in the vicinity of the Proposed Project will not be affected significantly since the Proposed Project’s groundwater usage will be capped within County thresholds under the Major Use Permit to prevent potential drawdown of adjacent</p>
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<p>Also, it is my feeling that the County Board of Supervisors Ground Water Policy I 84 and Land Development Ordinance are being blatantly abused by the water need proposals of the "Rugged" portion of these projects.</p> <p>The City of San Diego is currently draining our water from Lake Morena to a point of no return for this lake. This water is being used for city use, not for local residents around Lake Morena. We are hurting for water out east in the Boulevard area, just ask many locals. Are we "chopped liver" out here sir? Why would we allow this project that consumes more of our underground water when we are already in a "state of drought" condition in San Diego County? This is not in the interest of San Diego East County.</p> <p>The "Rugged" solar project proposes to add insult to injury. Not only is it proposing to take more of our limited water supply; it allows a few special interest individuals and out of town large corporate ventures to turn our neighborhood into a sea of metal and glass for their financial benefit, not the benefit of the vast majority of local residents. If anyone thinks the Boulevard local residents in a majority support any of these Soitec projects then hold a local resident vote.</p> <p>The non-local interests are trying to install 30' tall robotic monsters adjacent our residential properties for gosh sake! This is not the progress I want to see as a 53 year San Diego County resident. The "Rugged" project does not fit, belong or in any way blend into the local environment. Even SDG&E would not propose such an outlandish project. This project simply and quickly destroys the visual aesthetics, the reason many of us live here. This proposal is absurd to most of us that call this area home!</p> <p>Please be logical and do not bend in the strong wind sir! Please support your San Diego County as a whole. Support us like you are one of us, because you are.</p> <p>I suggest these developers move their projects to BLM/Federal land away from local residents. Move these projects to remote desert flats where they "fit the environment". The local residents en mass reject these projects!</p> <p>Thank you for being San Diegan and appreciating our East County!</p> <p>Sincerely,</p> <p>York Heimerdinger 619.473.9876</p>	<p>I76-6</p> <p>As such, it is not anticipated that there will be significant impacts to wells of neighboring residents as a result of the Proposed Project. See response to comment I17-5 for details related to visual issues. The City of San Diego's use of surface water from Lake Morena is not an environmental impact associated with the Proposed Project.</p> <p>This comment does not raise a significant environmental issue. The County acknowledges the commenter's suggestion to locate the Proposed Project on Bureau of Land Management or federal land rather than adjacent to residential areas. Ultimately, the decision makers must determine how the County can best meet its objectives. The information in this comment will be provided in the FPEIR for review and consideration by the decision makers. See common response ALT1 for a discussion of project alternatives.</p>
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