Response to Comment Letter I98

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February 27, 2014

I98-1 The comment letter is acknowledged and will be included in the Final Program Environmental Impact Report (FPEIR) for review and consideration by the decision makers.

I98-2 The comment is acknowledged and will be included in the FPEIR for review and consideration by the decision makers.

I98-3 Refer to common response WR1 and the response to comment letter I32.

I98-4 Refer to the response to comment I32-8 for an explanation of why water use at the ECO Substation cannot be considered analogous to the Proposed Project.

I98-5 As discussed in common response WR1, the County of San Diego has revised the construction-related water use estimate in consultation with the applicants and their consultants. These changes and additions to the Draft Program Environmental Impact Report (DPEIR) provide new information that clarifies and amplifies information already found in the DPEIR and do not raise important new issues about significant effects on the environment; therefore, such changes
are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

I98-6 Refer to common response WR1 and the response to comment I32-8.

I98-7 Issues raised in this comment are considered and addressed in the DPEIR. Please refer to DPEIR Section 3.1.5.3.2, Flood Hazards. As stated in Section 3.1.5.3.2, the Rugged solar farm would be subject to Chapter 6 of the County of San Diego Grading Ordinance, which is designed to protect persons and property against flood hazards by prohibiting the alteration of the surface of land in a manner that reduces the capacity of a watercourse. It also prohibits any action that impairs, impedes, or accelerates the flow of water in a watercourse in such a manner that adversely affects adjoining properties. The ordinance prohibits any land alteration or construction of structures in, upon, or across a watercourse without first obtaining a permit and approval shall not be provided unless the responsible County Official determines that the proposed grading does not create an unreasonable hazard of flood or inundation to persons or property. Grading and development of the Rugged solar farm and other components of the Proposed Project may not proceed unless all applicable site- and project-specific permits and approvals (including approval of a grading plan) are
obtained. The projects will comply with all applicable construction standards governing development of the specific sites.

| I98-8 | The commenter is referred to DPEIR Section 3.1.5.3.2, which discusses the potential effects of the Proposed Project on the 100-year flood flows, and the County approvals required to permit structures within a floodplain (e.g., per Grading Ordinance Section 87.602 [a] and the Zoning Ordinance Section 7358 [a][6]). As discussed therein, all structures to be placed within floodplain must be designed to withstand periodic flooding (including the masts and inverters).

Furthermore, impacts of the environment on a project or plan (as opposed to impacts of a project or plan on the environment) are beyond the scope of required CEQA review. “[T]he purpose of an EIR is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project.” (Ballona Wetlands Land Trust v. City of Los Angeles (2011) 201 Cal.App.4th 455, 473.) The scenario described by the commenter is the effects of preexisting environmental hazards on structures in the project, as explicitly found by the court in the Ballona decision, and therefore “do not relate to environmental impacts under CEQA and cannot support an argument that the effects of the environment on the project must
Financial arrangements between the applicants and the County are also outside the scope of environmental review for the purposes of CEQA. DPEIR Section 1.2.1.1 describes the County’s requirements to provide financial security for decommissioning of the Project.

The comment is acknowledged and will be included in the FPEIR for review and consideration by the decision makers. The Tule Wind Project facilities that the Proposed Project will utilize, including the Tule Wind transmission line that the Rugged solar farm intends to use, have been fully evaluated in the separate environmental review process for the Tule Wind Project.

References