

Comment Letter O19

Hingtgen, Robert J

**From:** Michael Fitts <gostodas1@yahoo.com>  
**Sent:** Monday, March 03, 2014 4:42 PM  
**To:** Hingtgen, Robert J  
**Subject:** Soitec  
**Attachments:** Soitec DEIR EHL Comments.doc

Robert,  
 Attached are EHL's comments on the Soitec EIR. I wanted to make sure I got them in under the deadline. A proper copy on letterhead with an electronic signature will be emailed to you later on tonight. Please use the latter version. It is our intent to work with you collaboratively on this project.

Thank you,  
 Michael Fitts  
 Staff Attorney  
 310-947-1908

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Response to Comment Letter O19

**Endangered Habitats League**  
**Michael Fitts on behalf of Dan Silver**  
**March 3, 2014**

**O19-1**

Comment letter O19 is a duplication of comment letter O14, submitted by Dan Silver on behalf of the Endangered Habitats League. Please refer to the response to comment letter O14.

BY ELECTRONIC MAIL

March 3, 2014



Robert Hingtgen, Planner  
Development and Planning Services  
County of San Diego  
5201 Ruffin Rd., Suite B  
San Diego, CA 92123

**Re: Soitec DEIR**

Dear Mr. Hingtgen:

The Endangered Habitats League (EHL) appreciates the opportunity to comment on the Draft Programmatic and Project EIR for the Soitec Solar Energy projects proposed near Boulevard. EHL is a long-term stakeholder in the County's habitat and land use planning efforts and is Southern California's only regional conservation group.

EHL applauds the County's effort to provide balance in regulating the exploding alternative energy sector. While renewable energy sources, such as wind and solar, are an essential component of a solution to climate change-inducing fossil fuels and to reducing our reliance on depleting supplies of imported energy, large scale solar generation projects themselves come with significant impacts. In our view, the DEIR does not sufficiently address these impacts or sufficiently justify why the power generated by this project cannot be obtained through distributed energy generation or if that is infeasible, through relocation of the project on already disturbed land instead of intact chaparral habitat.

While the need for alternative energy generally is manifest, the DEIR never states why *this* Project is necessary at the proposed size and at the locations selected. Nor does the document identify other alternative energy projects from which San Diego utilities may purchase power and whether, given the existence of these other projects, this additional supply will be needed. A discussion of the larger energy context is therefore necessary to justify the project.

The larger context is also necessary to properly analyze the project's cumulative impacts. Although the DEIR does list some pending projects, they are not graphically displayed so that the cumulative impacts of these projects, for example on biological resources, are readily ascertainable. The role this Project plays in regional habitat conservation planning is also not made clear. A revised EIR must establish whether development of any of the proposed sites will prejudice a future Multiple Species Conservation Plan for the East County.

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Robert Hingtgen, DPS  
County of San Diego  
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At the project level as well there is a lack of detailed biological survey data that would permit the fine-tuning of Project configuration necessary to avoid or at least minimize impacts. Instead, most of the land is labeled generally as chaparral and is considered fungible. The presence of more sensitive chaparral types is not addressed, and nor are impacts to specific sensitive flora and fauna. Indeed, for at least one site, Los Robles, there is no detailed information at all. Thus, if this site is selected for at least part of the Project, further environmental review will be necessary.

The alternatives analysis must address whether there are sites meeting project objectives that have already been disturbed. And when conducting the alternatives analysis, care must be taken to avoid defining project objectives so narrowly with ancillary (and unnecessary) goals so that only the project configuration the applicant prefers will pass muster. Thus, for example, having as a project objective the investment of \$100 million in the County precludes consideration of sites in adjacent counties and alternatives that do not require that level of investment.

Finally, we do not believe there is a legitimate basis for certification of those portions of the document that are deemed programmatic. Having specifically defined areas for consideration (Lan West and East, Robles), a programmatic document serves no real purpose. Accordingly, before any of these sites are selected, full-blown project-level review in an EIR will be required.

Thank you for your consideration of EHL's views.

Dan Silver, M.D.

Executive Director

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