

From: [Donna Tisdale](#)
To: [FGG-DL, LSDOCS](#); [Smith, Ashley](#)
Cc: [Wilson, Adam](#)
Subject: Oct 14: Soitec Solar RPFEIR
Date: Monday, October 12, 2015 3:23:47 PM
Attachments: [BPG Soitec RPFEIR 10-12-15 signed.pdf](#)
[Soitec sells SD factory 9-10-15.pdf](#)

Please find the attached Boulevard Planning Group's comments and one additional attachment for the Soitec Solar RPFEIR, listed on Oct 14th BOS agenda as Item # 2.

Regards,

Donna Tisdale, Chair
619-766-4170

BOULEVARD PLANNING GROUP

PO Box 1272, BOULEVARD, CA 91905

October 12, 2015

San Diego County Board of Supervisors
1600 Pacific Hwy
San Diego, CA

VIA: Clerk of the Board lsdocs@sdcounty.ca.gov & Ashley Smith PDS Project Manager
Ashley.Smith2@sdcounty.ca.gov

RE: October 14th Board Agenda Item 2: Comments on Soitec Solar Development Project RPFEIR¹

Dear Chairman Horn and Supervisors Jacob, Cox, Ron Roberts, and Dave Roberts,

At our regular meetings held on September 3rd (all members present) and October 1st (2 members absent), our Group voted unanimously to authorize the Chair to submit comments and to represent them at the October 14th hearing on the RPFEIR.

We continue to strongly oppose Soitec's Project and Staff Recommendations for approval. Based on the reasons stated below, we urge you to deny the Revised RPFEIR, Findings, Statement of Overriding Considerations and associated land use approvals, listed as numbers 1-7 on page 5 of the Board Agenda Package². We also incorporate by reference all of our previous comments and objections on the Soitec Solar Development Project.

New information and changed circumstances have come to light, since the Board's Soitec project approvals in February, that reduces the project to just 80 MW, from the stated 140 MW (findings) / 168.5 MW (Project Objective #7), and places the actual viability of the sole remaining 80MW Rugged Solar project into question. This new information must be honestly and ethically recognized and addressed:

- ***Project description and Programmatic FEIR are no longer valid and must be changed***
- ***S.S.1: Project Description³:*** Project is described @ page S.0-1: "*Tierra del Sol Solar Farm LLC, Rugged LLC, LanWest Solar Farm LLC, LanEast Solar Farm LLC, and Soitec Solar Development LLC (the applicants) propose to develop, finance, construct, and operate four renewable energy solar farm projects in southeastern San Diego County.*"
- However, Soitec's Board of Directors has since repeatedly announced that they are exiting the solar business. They have attempted but failed to sell their solar assets, including Tierra Del Sol Solar (TDS) and Rugged Solar.

¹ <http://www.sandiegocounty.gov/content/sdc/pds/ceqa/Soitec-Solar-RPFEIR.html>

² [http://content.govdelivery.com/attachments/CASAND/2015/10/07/file_attachments/433439/14%2BOct%2B2015 Regular agenda.pdf](http://content.govdelivery.com/attachments/CASAND/2015/10/07/file_attachments/433439/14%2BOct%2B2015%20Regular%20agenda.pdf)

³ [http://www.sandiegocounty.gov/content/dam/sdc/pds/ceqa/Soitec-Documents/RPFEIR/O.S.O Summary.pdf](http://www.sandiegocounty.gov/content/dam/sdc/pds/ceqa/Soitec-Documents/RPFEIR/O.S.O%20Summary.pdf)

- **9-10-15:** The Daily Transcript reported that Soitec Solar USA Real Estate LLC sold their 165,000 sq ft industrial/manufacturing/office/R&D property, located at 16550 Via Esprillo (APNs 678-272-13, 14 and 32), San Diego⁴, to W/G Via Esprillo Holdings VII LLC (based in Chicago)⁵ c/o Greenlaw Partners LLC⁶ (based in Irvine), who do not appear to be associated with Soitec or the solar industry. (attached)
- **8-5-15:** Soitec issued a press release announcing the end of negotiations with ConcenSolar regarding a sale of solar assets and they continues to refocus on electronics⁷
- **Soitec's proposed 80MW - 765 acre Rugged Solar site is the sole remaining project** of Soitec's four projects proposed in Boulevard, based upon the County's previous and proposed approval of the **Tailored Proposed Project and No LanEast and LanWest Alternative (Alternative 2A)**, in addition to Soitec's post-approval termination of their Tierra Del Sol Solar Farm (TDS), their request for Denial of Franchise Ordinance, cancellation of the TDS related CAISO grid interconnection agreements (Q-794 & Q-895), cancellation of the land options with the Brown Family Trust for TDS Phase I and Phase II, and Soitec's stated goal to sell solar assets and their manufacturing facility, as fully disclosed in Soitec's letter to the Clerk of the Board and Vice Chairman Roberts, dated March 2, 2015, and included in the March 4th BOS agenda package as Attachment for Item #2.
- **With the local CPV manufacturing facility sold, there is no substantial evidence in the record to support alleged claims that any project related solar equipment will be manufactured locally.**
- **This new information clearly voids the 450 direct manufacturing and 1,000 indirect jobs repeatedly and falsely claimed as a regional benefit in support of Project Objectives 6 & 7.**
- **As of 10-12-15:** Soitec has not reported any buyers and or Power Purchase Agreements for the Rugged Solar site.
- **Invalid Address:** Tierra Del Sol Solar Farm LLC, Tierra Del Sol Solar Farm II, LLC (201214510136), LanEast Solar Farm LLC, LanWest Solar Farm LLC all use the 16550 Via Esprillo property address in their registrations with the Secretary of State, which has now been sold.
- **Error @ page S.0-2:** Only Tierra Del Sol Solar Farm LLC is referenced, which relates to the proposed 45MW CPV project on 330 acres. Tierra Del Sol Solar Farm II, LLC, that relates to 15 MW phase II proposed for 90 acres, is not mentioned.

S.1.3 Project Location is now in error. The Project no longer includes a total of approximately 1,490 acres. It has been reduced to Rugged Solar's sensitive 765 acres.

Overriding Considerations, Environmental Findings, Attachment K⁸ (dated 9-17-15):

- **Significantly reduced/voided and highly speculative community benefits must be adjusted to more accurately reflect reality.**
- Soitec's sale of their Rancho Bernardo CPV manufacturing facility negates any related job benefits previously claimed to support alleged public / job benefits.

⁴ <http://www.sddt.com/news/article.cfm?SourceCode=20150910tde>

⁵ <http://www.corporationwiki.com/California/San-Diego/16550-Via-Esprillo-San-Diego-CA-92127-a32095206.aspx>

⁶ <http://greenlawpartners.com/>

⁷ <http://www.soitec.com/en/news/press-releases/soitec-announces-the-end-of-negotiations-with-concen-solar-regarding-a-sale-of-solar-assets-and-continues-its-refocus-on-electronics-1772/>

⁸ <http://bosagenda.sdcounty.ca.gov/agendadocs/doc?id=0901127e8023b4da>

- **@ Pages 449-450:** The document states that Soitec's contributions "*are contingent upon the Project receiving a 30% Federal Business Energy Investment Tax Credit (ITC), and based upon 140 MW of installed Alternating Current (AC). The Project's contribution would be reduced proportionally if either the ITC is reduced, or the Project's permitted capacity is reduced.*"
- Investment Tax Credits are only available for eligible projects placed in service on or before December 31, 2016. The ITC steps down to 10% at the end of 2016⁹.
- Soitec's formal termination of their Tierra Del Sol Solar project, the cancellation of their CAISO grid interconnection slots (Q-794 & Q-895), and the cancellation of their land options render this project dead on arrival and technically voids any related community benefits.
- With no Power Purchase Agreements, with Soitec exiting the solar business, with the sale of their CPV manufacturing facility, and with the transmission/thermal overload and voltage concerns on SDG&E's lines that currently restrict new sources of energy between Imperial Valley Substation and Suncrest Substation, until expensive upgrades are approved, constructed and operational, as disclosed in CAISO Board approved **Transmission Plan 2014-2015 (@4.3, 4.3.1, 4.3.3, 4.3.4, 5.6, 7.1)**¹⁰, the likelihood that these Projects will be built before 2017, if at all, and that any benefits will ever come to fruition, is in serious doubt.

S.1.4 Environmental Setting:

- **@ page S.0-9:** The September 2015 addition of updated Tule Wind construction schedule references the BLM's letter to Ibedrola, dated 12-18-14. That letter also states that the, "*Delay in issuance of the NTP beyond December 31, 2015 may not be consistent with the best use of public lands*". There is no guarantee that BLM will actually grant additional Tule Wind NTP extensions or that there will not be any overlap in the event both Tule Wind and Rugged Solar manage to move forward despite the pending cutoff dates for both Investment 30% Tax Credits and Production Tax Credits (\$23 /MW) that developers rely upon so heavily.
- Tule Wind also has no Eagle Take Permit and no approved lease or land appraisal report from the State Lands Commission. There are also at least three unresolved federal lawsuits pending against Tule Wind's Phase I and Phase II projects.

Table S-2: Summary of Significant Effects:

- ***All significant and cumulatively considerable effects can be fully avoided by rejecting/denying the now gutted Soitec Solar Project and other environmental findings.***
- **M-BI-PP-15:**
 - If the Project is approved, the Groundwater Monitoring and Mitigation Plan should be extended for the life of the project, not restricted to 5 years.
 - Monitoring of the oak woodlands should be extended through the life of the project
 - Groundwater monitoring for on-site and adjacent off-site non-participating private wells in the Boulevard, Jacumba, and Pine Valley areas should continue as long as those groundwater resources are being used to support the Project.

S.3 Additional Areas of Controversy:

⁹ <http://energy.gov/savings/business-energy-investment-tax-credit-itc>

¹⁰ <http://www.caiso.com/Documents/Board-Approved2014-2015TransmissionPlan.pdf>

- In addition to the listed areas of controversy, additional areas include groundwater, the environmentally superior distributed point-of-use generation alternative, and increased hazardous electrical ground currents that can move off-site and into homes through plumbing and common ground wires that place public health and safety at risk.
- **Strong controversy remains regarding Project impacts, the lack of need for the Project, and invalid Project objectives.**
- **Major controversy still remains over impacts to groundwater** during current extended severe drought conditions and unknown future climate change conditions. There are strong objections to the use of on-site sole source groundwater in addition to controversial bulk groundwater sales contracts authorized by the Pine Valley Mutual Water Company (PVMWC) and the Jacumba Community Services District (JCSD). Those contract sales, and the biased groundwater investigations supporting them, have been challenged by their shareholders / rate payers due to lack of adequate Notice and blatant violation of bylaws.

Rugged Solar Fire Protection Plan-new information¹¹:

- Changes in emergency services since the Board's February 2015 approvals include the construction of the new Boulevard Fire Station facility and related closure of CalFire's White Star Fire Station and the old Boulevard Volunteer Fire Station (listed in the 2013 FPP). The result is a reduction of total staffing, overall.
- Soitec's termination of Tierra Del Sol Solar project significantly reduces the initial and annual contributions promised to the San Diego County Fire Authority.
- These changes should be recognized and addressed.

Conclusion:

As of 10-12-15, San Diego Gas& Electric's Net Energy Metering report documents they have 451.4 MW of distributed generation installed, which is almost 3 times the original 168MW proposed by Soitec and almost 6 times the sole remaining 80MW Rugged Solar. It is getting done, it is getting done fairly quickly, and these facts can no longer be denied!!

SDG&E has announced additional mandated energy efficiency and distributed community solar programs that serve to further reduce overall demand.

The No Project Alternative and/or use of truly distributed point-of-use generation are the real environmentally Superior Alternatives that would better meet regional objectives to transition to renewable energy sources closer to urban consumers, while reducing wildfire risks and conserving natural resources, rural community character, and quality of life.

Please contact me with any questions at 619-766-4170, tisdale.donna@gmail.com

Regards


Donna Tisdale, Chair

¹¹ [http://www.sandiegocounty.gov/content/dam/sdc/dplu/ceqa/Soitec-Documents/EIR-FILES/Appendix_3.1.4-](http://www.sandiegocounty.gov/content/dam/sdc/dplu/ceqa/Soitec-Documents/EIR-FILES/Appendix_3.1.4-6_DraftFireProtectionPlan_Rugged.pdf)

[6 DraftFireProtectionPlan_Rugged.pdf](http://www.sandiegocounty.gov/content/dam/sdc/dplu/ceqa/Soitec-Documents/EIR-FILES/Appendix_3.1.4-6_DraftFireProtectionPlan_Rugged.pdf)

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Rancho Bernardo industrial building on Via Esprillo sells

By San Diego Source staff report

Thursday, September 10, 2015

The 165,600-square-foot flex industrial/R&D/office building in Rancho Bernardo at 1655 Via Esprillo, San Diego 92127, has been sold for \$30 million, cash, as a sale/leaseback transaction.

The buyer was **W/GL Via Esprillo Holdings VII LLC**, c/o **Greenlaw Partners LLC**, 18301 Von Karman Ave., Suite 250, Irvine 92612.

The seller of the property (assessor's parcels 678-272-13, 14 and 32) was **Soitec Solar USA Real Estate LLC**, with **Soitec Solar Industries LLC** as its sole member. Emmanuel Ferton is the authorized signatory for the seller.

Douglas Fine, of **Savills Studley**, represented the buyer. Mickey Morera, of **Kidder Mathews**, represented the seller.

The transaction included the one-story, free-standing building, an adjacent 3.32-acre parking lot, and another 2.78-acre designated parking lot acquired in December 2011 for \$2,064,000.

The building was constructed in 1997 on 8.81 acres and, with the 3.32-acre parking lot, was sold in December 2011 for \$26.5 million.

The building is 70 percent climate controlled open office/R&D space, 30 percent warehouse with a 27-foot clear height. There is an additional 16,000 square feet of mezzanine storage area.

The building has 12 dock-high loading doors and one grade-level door, a fenced yard area, a full-service cafeteria, an outdoor patio/lunch area and a sand volley ball court.

In late 2011, Soitec, a French manufacturer of electrical semiconductor materials, announced it had selected 16550 Via Esprillo for its new North American solar-manufacturing headquarters for its proprietary Concentrix concentrated photovoltaic technology solar modules.



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