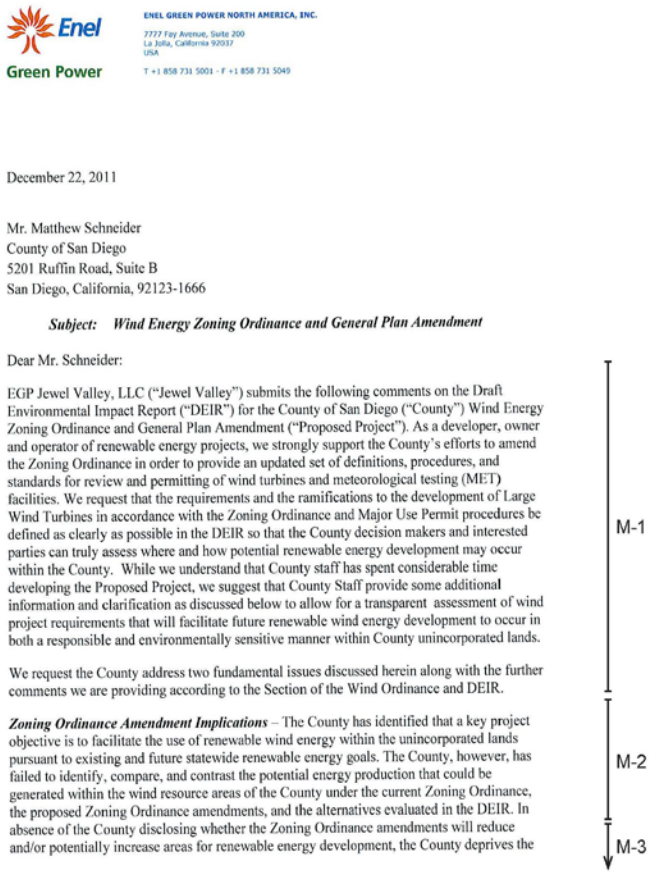
Comment Letter M



Enel Green Power

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December 22, 2011

Mr. Matthew Schneider
County of San Diego
5201 Ruffin Road, Suite B
San Diego, California, 92123-1666

Subject: Wind Energy Zoning Ordinance and General Plan Amendment

Dear Mr. Schneider:

EGP Jewel Valley, LLC ("Jewel Valley") submits the following comments on the Draft Environmental Impact Report ("DEIR") for the County of San Diego ("County") Wind Energy Zoning Ordinance and General Plan Amendment ("Proposed Project"). As a developer, owner and operator of renewable energy projects, we strongly support the County's efforts to amend the Zoning Ordinance in order to provide an updated set of definitions, procedures, and standards for review and permitting of wind turbines and meteorological testing (MET) facilities. We request that the requirements and the ramifications to the development of Large Wind Turbines in accordance with the Zoning Ordinance and Major Use Permit procedures be defined as clearly as possible in the DEIR so that the County decision makers and interested parties can truly assess where and how potential renewable energy development may occur within the County. While we understand that County staff has spent considerable time developing the Proposed Project, we suggest that County Staff provide some additional information and clarification as discussed below to allow for a transparent assessment of wind project requirements that will facilitate future renewable wind energy development to occur in both a responsible and environmentally sensitive manner within County unincorporated lands.

We request the County address two fundamental issues discussed herein along with the further comments we are providing according to the Section of the Wind Ordinance and DEIR.

Zoning Ordinance Amendment Implications – The County has identified that a key project objective is to facilitate the use of renewable wind energy within the unincorporated lands pursuant to existing and future statewide renewable energy goals. The County, however, has failed to identify, compare, and contrast the potential energy production that could be generated within the wind resource areas of the County under the current Zoning Ordinance, the proposed Zoning Ordinance amendments, and the alternatives evaluated in the DEIR. In absence of the County disclosing whether the Zoning Ordinance amendments will reduce and/or potentially increase areas for renewable energy development, the County deprives the

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Response to Comment Letter M

Enel Green Power North America, Inc.
Joan Heredia
December 22, 2011

M-1 This Comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

M-2 The County compared and contrasted potential environmental impacts from the proposed project versus the existing Zoning Ordinance in DEIR Section 4.5. The County is not required to estimate and compare potential wind energy production of the No Project Alternative, the proposed project and the alternatives as part of the DEIR. Moreover, given the number of variables involved, the suggested estimates and comparisons would be speculative.

M-3 The County does not agree with this comment. The areas in which wind turbine development is allowed under the proposed ordinance are provided in Section 1.2 Project Location, and further defined in Figures 1-3 and 1-4. The proposed ordinance would increase areas for renewable energy development, as described throughout the DEIR.

public and County decision-makers from making informed decisions on the implications of the Proposed Project.

One area of particular concern, is the County's proposal to introduce a new low frequency standard to address the potential for annoyance caused by large wind turbines – a requirement that was not included in the Zoning Ordinance. The potential implications of the new low frequency standards and property setbacks for Large Wind Turbine development has not been contemplated or discussed in the DEIR. The setbacks that would be required to meet the low frequency standard need to be fully understood in potential linear feet setbacks in order to allow for informed decision making and to give the public a meaningful opportunity to comment. In the absence of this data the County cannot determine whether the Zoning Ordinance amendments will enable the County to meet existing and future renewable energy statewide mandates or reduce the potential for wind development in the County.

Low Frequency Noise Limits Should be Based on Science and be Consistent with other California Jurisdictions. - The DEIR noise section indicates that the County considered the methodology of other jurisdictions and a paper by Epsilon Associates, A Study of Low Frequency Noise and Infrasound from Wind Turbines (Epsilon Associates 2009). The Epsilon study is based on analysis and actual field testing of low frequency measurements that indicated there was no audible infrasound either inside or outside of homes at any of the measurement sites, with the closest site at 900 feet. In the face of this sound and scientifically supported analysis, the County, however, proposed low frequency noise limits that relying on a paper from George W. Kamperman and Richard R. James, The "How to" Guide to Siting Wind Turbines to Prevent Health Risks from Sound (Kamperman and James 2008) which recommends a noise limit of not to exceed the long-term background sound by more than 20 decibels. The Kamperman and James paper is the most extreme low limit of any of these reference sources and the proposed limit was determined by the authors as necessary to prevent alleged health impacts based on references to numerous complaints from residents in the vicinity of wind farms, but without any actual measurement of low frequency. In contrast, Epsilon prepared the studies absent in the Kampererman and James paper and Epsilon scientifically concluded that a setback of 1,000 feet meets the American National Standards Institute standard for low frequency noise. The County should base any dBC limit and related setbacks on valid science and field measurement.

Solana, Alameda and Kern Counties are the only three counties in California that currently have a dBC limit. In Alameda and Solana the limit is 64 dBC Leq. In Kern specific limits are identified based on 1/3 octave bands centered at 2 to 125 Hz. On BLM land that is directly adjacent to much of the unincorporated Sa Diego County land that is currently proposed for wind development, there is no dBC limit. The County indicated they considered limits in other jurisdictions, but has failed to indicate in the DEIR why the limits in other jurisdictions were not appropriate for use in San Diego County and why a more stringent standard is warranted in San Diego County. If in fact San Diego County sincerely desires to promote wind development similar to other jurisdictions that are helping the State meet renewable energy standards, we respectfully request that the County more fully consider the experiences and regulations of other jurisdictions that have experience with wind development.

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M-4 While a number of variables (turbine manufacturer, turbine size, topography, atmospheric conditions, existing ambient noise conditions, etc.) must be considered when establishing low frequency noise setbacks, the County has conducted an analysis (see Appendix A to these responses to comments) to estimate the setbacks that would be required by various size turbines (50kW, 500kW, 1MW).

M-5 The County does not agree with this comment. The County has prepared an analysis to estimate the setbacks for various size turbines (please refer to response to comment M4 above). In addition, State and Federal law do not require or mandate local jurisdictions to allow wind turbines in their jurisdictions. The County has the right to set limitations through the Zoning Ordinance amendment process.

M-6 There is no universally accepted scientific method of measuring wind turbine noise. The County reviewed studies and methodologies of other jurisdictions while developing the low frequency noise provision. County acoustical specialists worked closely with other local noise technical specialists and chose the proposed low frequency noise provision because it includes existing ambient background noise as a factor. This is important because the proposed project area is a relatively quiet rural setting with existing residents

		and potential for future residents based on the County's General Plan and zoning. In evaluating noise impacts under CEQA, the existing conditions are essential to the determination of significance. Based on all of the information reviewed by County staff, and based on public input and Planning Commission recommendations, the County believes that setbacks established by low frequency noise measurements is appropriate for inclusion in the proposed Wind Energy Ordinance.
	M-7	This comment does not raise a significant environmental issue, but opposes the proposed noise standards in the project. There is no universally accepted method for regulating low frequency noise. While counties such as Solana and Alameda utilize what is referred to as a "maximum threshold" standard, the County proposes to use what is commonly referred to as an "imbalance" standard. Both the maximum threshold and imbalance standard are methods currently utilized domestically and internationally to regulate noise and are accepted methods for regulating low frequency noise. The County selected the imbalance method because it includes the existing ambient background noise as a factor. Ultimately, the Board of Supervisors must determine how the County can best meet project objectives. The information in this comment will be in the Final EIR for review and consideration by the

	County Board of Supervisors. **M-8** This comment does not raise a significant environmental issue for which a response is required. The suggestion will be included in the information presented to decision makers.

A. DEIR SECTION 1.1, PROJECT OBECTIVES: As identified in Section 1.1 of the DEIR, the purpose of the proposed project is to facilitate the development of wind turbines in an effort to help meet the current and future federal and state goals for renewable energy production. Specifically the County identifies the following primary objectives:

- Facilitate the use of renewable wind energy within the County pursuant to existing and future statewide goals.
- Maximize the production of energy from renewable wind sources to assist the County in furthering federal goals under Section 211 of the Energy Policy Act of 2005.
- Reduce the potential for energy shortages and outages by facilitating local energy supply.
- Minimize the potential for land use conflicts that may arise through the development of wind turbines.
- Update regulations for large wind turbines to be consistent with current wind turbine technology and designs.

Consistent with the County's project objectives, renewable energy efforts are underway at both the state and federal levels to increase renewable energy production. In 2011, California Senate Bill SB 2 increased the renewable target to 33% by 2020 and requires both retail sellers and publicly-owned utilities to achieve a 33% RPS. The CPUC and the California Energy Commission (CEC) are jointly responsible for implementing the program.

Executive Order S-3-05 identified greenhouse gas emission-reduction targets for the state, providing the impetus for a potential expansion of the RPS program to include a goal of 33% renewable energy by 2020. Additionally, the California Air Resources Board issued the draft Climate Change Scoping Plan in June 2008, and a key component of achieving the greenhouse gas targets is that California codify into statute and achieve a 33% RPS by 2020 (CARB 2008).

The ability for the State to meet the 20% RPS requirement and ultimate target of 33% by 2020 in a cost effective manner will depend in part based on the feasibility of renewable wind energy development within the County of San Diego and other limited areas where robust wind resources are available. The Department of Energy's Wind Project and the National Renewable Energy Laboratory (NREL) recently published a wind resource map for California identifying several key areas in southeastern California, for utility-scale wind development (DOE CA 50-meter Wind Resource Map, Dec 2011). According to the research, notable good-to-excellent wind resource regions in the state include the mountains east of San Diego. In addition, the local utility SDG&E has made considerable investment in developing infrastructure to provide renewable energy generation for San Diego County. Most notable projects include the Sunrise Powerlink and the East County Substation. These projects are being constructed by SDG&E in order to expand the interconnection capacity for renewable energy generation in areas that contain renewable resources in San Diego County. The location of the Sunrise Powerlink and East County Substation Project was selected to facilitate the transmission of and interconnection with renewable energy resources located in southeastern San Diego County among other southeastern California locations. Unincorporated lands within the County of San Diego have extremely favorable wind potential and are located near infrastructure required to interconnect renewable energy generation projects.

In Section 6952 of the proposed ordinance the County, appears to have a placeholder for a map that would restrict the area where Large Wind Turbines may be located, but does not provide the associated map. In addition, the proposed ordinance as released for public comment does

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M-9 The issues raised in this comment are not inconsistent with the information in the DEIR. The project objectives are presented in Section 1.1 and a summary of State energy policy is discussed in Section 1.4.

M-10 The County acknowledges and appreciates this comment. Figure 1-4 Large Turbine(s) is the proposed Wind Resources Map.

not identify the acreage or areas within the County that would be suitable for wind energy renewable energy production and the implications of the proposed Zoning Ordinance amendments on those lands. Thus, the absence of a map identifying areas in which the County may encourage, discourage, or prohibit development deprives stakeholders and County decision-makers of the ability to determine whether the project objectives identified in Section 1.1 have been or are capable of being met.

Further, as noted above, the County has failed to document how the proposed establishment of a 20 dBC limit at a property line will minimize land use conflicts. Throughout the United States wind energy facilities coexist in many communities in close proximity (in many cases within 1000 feet) to residents in areas that have no dBC criteria. The County should reconsider its selective use of a single noise study (Kamperman and James 2008) to determine the acceptable level of dBC. In fact, Epsilon's 2009 Report includes actual field measurement studies by reputable sources that the County seems to have ignored. These Epsilon studies support that an ANSI standard and 1000 feet setback may be met for low frequency noise in bedrooms, classes and hospitals and that there should be no window rattles or perceptible vibration of a light weight walls or ceilings within homes thereby minimizing land use conflict.

B. WIND ORDINANCE SECTION 1110 DEFINITIONS : The Background Sound Level (L_{90}) and the Long Term Background Sound Level definitions should be changed to be based on Leq or CNEL. The Background Sound Level definition proposed by the County defines existing noise levels based on L_{90} background noise levels, but this definition excludes most existing noise sources. The L_{90} standard is excessive because the quietest 10% of time (in a 10 minute intervals) is a measure that is exceeded 90% of the time by ***baseline*** conditions. Thus, using an L_{90} standard in the proposed Zoning Ordinance is not representative of existing conditions making it unreasonable.

Similarly, the Long Term Background Sound Level is inappropriate as it attempts to define existing noise levels based on background noise levels which intentionally exclude existing noise sources, such as short-term background sounds and sources of interest. Background sound as defined by ANSI S12.9 Part 3 encompasses all the sound associated with a given environment without contribution from a source or sources of interest. All existing noise sources contribute to the current noise environment and should be considered.

C. WIND ORDINANCE SECTION 6123 METEOROLOGICAL TESTING FACILITY: Jewel Valley supports the County's efforts to allow temporary Meteorological Testing (MET) facilities that comply with the height designator of the zone to be permitted without a discretionary permit. The ability to obtain meteorological data to determine project viability is a key component for development of a renewable wind energy project. Jewel Valley requests that clarification be provided by the County on the following sections of the Zoning Ordinance amendments.

1. Wind Ordinance Section 6123(E) Minimum Spacing: The County has included a requirement that MET facilities be located at least 500 feet from any other MET facility. MET facilities can consist of MET towers, LiDAR (light detection and ranging) units, and SoDAR[1] (sonic detection and ranging) units. SoDAR units are small, self-contained meteorological instruments that measure the scattering of sound waves by atmospheric turbulence. MET towers generally are 60-80 meters in height. SoDAR systems are used to measure wind speed at various heights above the ground and record temperature and pressure at ground level. The

[1] Note "Sonar" measurement is incorrectly referenced in the County Ordinance in 6123.

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M-11 Section 1.2 Project Description and Figures 1-3 and 1-4 indentify the areas within the County where small and large turbines would be allowed under the proposed ordinance. The potential impacts of the proposed Zoning Ordinance amendment on those lands are analyzed in detail pursuant to CEQA in the DEIR.

M-12 The County does not agree with this comment. See also responses M10 and M11

M-13 This comment does not raise a significant environmental issue for which a response is required, but opposes the proposed noise standards in the project. Please refer to responses to comments M6, M7 and U5.

M-14 The County acknowledges and appreciates this comment. Ultimately, the Board of Supervisors must determine how the County can best meet project objectives. The information in this comment will be in the Final EIR for review and consideration by the County Board of Supervisors.

M-15 The County does not agree with this comment. The Background Sound Level L_{90} is an acceptable unit of measurement for determining the background sound levels and is preferred by County staff as capturing the realistic ambient environment.

	M-16 The County does not agree with this comment. The County considers the L_{90} to be an acceptable unit of measurement for determining the background sound levels. The 10 minute observer present measurements are necessary to validate the L_{90} measurements. **M-17** The County does not agree that the L_{90} standard is unreasonable. This issue was also discussed in detail during the Planning Commission hearing process, with the determination that the L_{90} standard would be used. It should be noted that this is a difference of opinion regarding implementation of the ordinance and not an environmental analysis issue under CEQA. **M-18** The County does not agree with this comment. See responses to comments M15 through M17 above. **M-19** This comment does not raise a significant environmental issue for which a response is required. However, the County wishes to clarify that a MET facility may consist of multiple components (Tower, SoDAr, LiDar), and each facility must be located a minimum of 500 feet from any other MET facility. The County does not agree with the proposed revision in this comment.

SoDAR units are typically approximately 6 feet wide by 10 feet long by 6 feet. A LiDAR unit uses an optical remote sensing technology that measures properties of scattered light to find range and/or other information of a distant target. LiDAR units are typically housed in a portable trailer unit that can be transported via a trailer behind a pick-up truck.

In order to collect wind and climate data to ascertain if a particular site has viable wind characteristics to support a future wind energy facility, it is beneficial for correlation purposes to co-locate MET facilities such as a SoDAR and LiDAR in proximity to MET towers. In order to ensure the proper collection of wind and climate data to ascertain project viability the following corrections should be made to the Zoning Ordinance amendments:

- Minimum Spacing. ~~The MET Facility~~ MET towers shall be located at least 500 feet apart from any other MET tower ~~Facility~~.

D. WIND ORDINANCE SECTION 6952 LARGE WIND TURBINE: The County has made considerable efforts to update regulations for Large Wind Turbines. However the County has failed to identify the potential locations and development implications that would result with implementation of the Zoning Ordinance amendments for Large Wind Turbines. In order for the State to meet RPS goals, a level playing field should be established so viable wind development areas may be consistently and responsibly developed.

1. Wind Ordinance 6952(b) Location: The County has included a requirement in the Zoning Ordinance that a Large Wind Turbine shall be located in a wind resources area as shown on the Wind Resources Map approved by the Board of Supervisors. The Map that will be made available to the Board of Supervisors has not been provided in the Zoning Ordinance amendment or DEIR. Without this map, the public cannot make informed decisions on the potential locations and associated environmental impacts as to where renewable wind energy projects could be located within the County.

It can be assumed that the County will rely on regionally-specific wind resource data through such resources as NREL. This regional wind resource data, however, is too generic and does not accurately reflect wind resources at a given site or to the degree of certainty necessary to site Large Wind Turbines within the County. By limiting potential wind development to areas that have been identified by NREL or a functional equivalent does not enable each property to be evaluated over time on a case by case basis in accordance with the Major Use Permit process based on the technology then available. The NREL map does not account for changes in technology that would make areas suitable for wind energy development in the future even if they are not suitable for development today based on current technologies —as technology advances that allow wind energy production at lower wind speeds. Therefore, the County should remove Section 6952(b) from the proposed Zoning Ordinance amendments and allow each project site to be evaluated based on meteorological data collected onsite. The County should not preclude areas for potential wind energy production based on macro, regionally available wind resource data.

2. Wind Ordinance 6952(c)(4)(iii) Setbacks: Section 6952(c)(4)(iii) allows for a reduction of the minimum setback reductions for both project's located adjacent to County lands and projects located on lands not subject to the County's land use regulations if the project applicant submits documentation, to the satisfaction of the Director, that the adjoining property owner does not object to the setback reduction.

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M-20 This comment does not raise a significant environmental issue for which a response is required. However the County wishes to clarify that locations where large turbines would be allowed with approval of a Major Use Permit have been identified in Figure 1-4 and that a comprehensive plan-to-ground analysis of the proposed ordinance has been provided in the DEIR as required by CEQA.

M-21 The County does not agree with this comment. Please refer to response to comment M10.

M-22 The County does not agree with this comment. While the County strives to allow for renewable energy opportunities in its jurisdiction with this project, it does not agree that such opportunities should be available outside of recognized wind resource areas, such as those identified by the NREL data.

M-23 The County does not agree with this comment. Flexibility was deliberately incorporated into the ordinance as other jurisdictions are not required to subscribe to the County's document requirements. Providing flexibility increases developer's options when securing waivers from other jurisdictions (tribal, federal, etc.). As part of that flexibility, large wind project may be allowed adjacent to other wind projects through the Major Use Permit process, depending on the site-specific conditions.

The County should establish and/or clarify the object standards by which this documentation will be evaluated. Additionally, the County should clarify the documentation required in the event a Project is located adjacent to lands not subject to the County's proposed ordinance, e.g., lands owned by Indian tribes, managed by the Bureau of Land Management or other agencies of the U.S. Government, lands in Mexico, or adjacent to other wind energy projects. For instance a project could be potentially located adjacent to BLM lands that have wind turbines onsite or may have future renewable energy facilities onsite. The County should clarify whether and if so what documentation is necessary from entities such as BLM regarding an objection to the setback reduction. Further, wind project development is a commercially competitive and the need to obtain approval from an adjacent wind energy operator may deprive the State of California from optimizing available wind resources on the limited land with viable wind resources. The Zoning Ordinance amendments and DEIR should clarify or more fully explain the process and documentation for obtaining adjacent land owner approval specifically adjacent to non-County land. Further, wind turbines should be allowed immediately adjacent to proposed or existing wind energy facilities provided there is no impact to public safety.

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3. Wind Ordinance 6952(f)(1) Noise: The County proposes to require an acoustical study for Large Wind Turbines that demonstrates that each turbine complies with the Noise Ordinance and also meets a C-Weighted Sound Limit. The C-weighted sound level limits proposed include a requirement that the long-term background sound level not exceed 20 dB from existing noise levels as measured at the property line of the lot on which the Large Wind Turbine is located.

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The County provides a limited discussion on Page 2.8-3 of the DEIR regarding the rationale as to why a 20 dB threshold has been established. The County acknowledges there is no universally accepted scientific method of measuring wind turbine noise. However, due to the low frequency components, the County has determined the C-weighted scale is most appropriate to measure the potential for noise impacts. The apparent rationale for using the 20 dB threshold is based on a paper by Kamperman and James (discussed above). The Kamperman and James paper concluded drew its conclusions based not on scientific evidence or analysis, but on interviews with individuals and the perception of those individuals regarding alleged health effects and annoyance.

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As discussed above, reliance on the Kamperman and James paper is of dubious merit, particularly in light of the County's finding that there is no relationship between wind turbine sound and adverse health effects. In contrast, the Epsilon study which is cited as also being considered by the County is based on analysis and actual field testing low frequency measurements that indicated there was no audible infrasound either inside or outside of homes at any of the measurement sites, with the closest site at 900 feet. Subsequently, Epsilon concluded that a setback of 1,000 feet meets the American National Standards Institute standard for low frequency noise. Should the County determine it is necessary to establish a dBC limit, that standard should be based on nationally accepted standards, valid science, and field measurements, not perceptions from interviews.

The County has invested considerable time and effort in establishing CEQA content and format requirement guidelines for various environmental categories, however, the County has not provided any direction to a project applicant regarding the methodology for completing a low frequency noise study . For instance, Section 6952(f)(1) does not provide the frequency range at which the C-weighted sound level should be measured (i.e. 40 HZ). In the absence of

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M-24 The County agrees with this comment.

M-25 The County developed the 20dB threshold by reviewing methods in many other jurisdictions, reviewing relevant studies, and meeting with local acoustical specialists. This threshold was also vetted through a transparent public process, including hearings and a workshop with the County Planning Commission. The commenter suggests that some of the information used in establishing the 20dB threshold does not qualify as scientific evidence or analysis. While the County does not agree with the commenter's interpretation of the Kamperman and James study, it should be noted that the decision to use a conservative noise threshold does not have to be based solely on scientific analysis.

M-26 The commenter disagrees with the County's approach to a noise threshold and provides evidence that supports a different approach. Disagreement among experts does not result in an inadequate EIR (CEQA Guidelines §15151). The County does not agree with the standards/requirements in this comment. See also response to comment M27 above.

guidelines, the County sets the stage for the use of differing methodologies and conflict that may default to the overly conservative methods in the Kamperman and James paper and the use of the Background Sound Level of L_{99}. Accordingly, we encourage the County to propose the methods for evaluating low frequency noise to provide the public a meaningful opportunity to comment on this aspect of the DEIR and Zoning Ordinance amendments. M-27

The County has failed to disclose and determine the potential implications of the 20 dB threshold on setbacks for Large Wind Turbines. At a minimum, the County should provide the potential range in setbacks that could result with implementation of a 20 dB threshold from property lines for low frequency noise and the required methods for completing a low frequency noise study. The setback analysis should at least generally identify setbacks for a single turbine and multiple turbines relative to property boundaries. M-28

The County has indicated that they are a proponent of wind development, yet the 20 dBC limit proposed by the County is more stringent than other California Counties that support Large Wind development, e.g., Solana, Alameda, and Kern Counties. Further, San Diego's requirements are more stringent than BLM's requirements for land that is directly adjacent to much of the unincorporated San Diego County land. This creates a regulatory inconsistency in wind development requirements within the County. The DEIR should more thoroughly assess the dBC limits established in other California counties that are working to assist the State in meeting RPS goals. To the extent the County choose to impose a more stringent standard, the DEIR should clearly explain why the standard is required. M-29

4. Wind Ordinance 6952(f)(2) Noise Waiver: The County has identified an increase in the C-weighted sound level limit may be approved if the higher C-weighted sound limit is acceptable due to specific economic, social, technological or other benefits that will result from approval of the Major Use Permit and implementation of the Proposed Project. While we generally support the granting of waivers on a case-by-case basis, the intent of this Zoning Ordinance amendment appears to allow the County decision-makers to weigh the potential environmental effects of a proposed project with the other benefits that will result from approval of a proposed wind energy project. As drafted, the Zoning Ordinance amendments may produce considerable developmental uncertainty to wind project developers in addition to the risk that after years of County processing, the County-decision makers may reject a Noise Waiver based on ambiguous thresholds in the proposed low-frequency noise threshold. M-30

The noise waiver provision also makes no attempt to address County lands that are located adjacent to non-County lands that may have existing or proposed renewable energy facilities. The intent of the low-frequency noise standard is to ensure sensitive receptors are not impacted by low-frequency noise level increases resulting from wind turbine development. A project that includes Large Wind Turbines adjacent to non-County lands that are proposed or currently have wind turbines operating is not be required to meet the County's low-frequency standards. The noise-waiver provision should be revised to address renewable wind energy development that has been responsibly sited adjacent to existing and/or proposed wind energy facilities on non-County lands. M-31

5. Wind Ordinance 6952(f)(3) Post Construction Sound Measurements: The County should remove the requirement for a secure agreement to perform a post-construction noise studies and should not require additional studies every five years for the life of the project. There are numerous other noise producing sources in San Diego County that are permitted by the County that generate noise and are not required to entire into secure agreements or prepare M-32

M-27 The County has allowed for public input on the proposed noise methodologies, including multiple days of Planning Commission testimony and presentations. Another opportunity for public testimony will be available when the project is presented to the Board of Supervisors for a decision.

M-28 The County acknowledges and appreciates this comment. Please refer to response to comment M4.

M-29 This comment does not raise a significant environmental issue but opposes the proposed noise standards in the project. Please refer to responses to comments M7 and M25.

M-30 This comment does not raise a significant environmental issue for which a response is required. Ultimately, the Board of Supervisors must determine how the County can best meet project objectives. The information in this comment will be in the Final EIR for review and consideration by the County Board of Supervisors.

M-31 This comment does not raise a significant environmental issue for which a response is required. In addition, Section 6952 C.4.iii addresses setback reductions from properties adjacent to non-county lands. See also response to comment M23.

M-32 The proposed ordinance has been modified through

	the course of numerous public hearings and a public workshop and no longer includes a Post Construction Sound Measurement provision. The current project includes Compliance Review provisions which will require Major Use Permits for large turbine(s) to be conditioned to require a compliance report to the County once every two years. The compliance report shall describe any complaints filed with the County during the previous two year period and all corrective actions taken if the use was found to be out of compliance with the requirements of Section 6952 of the County Zoning Ordinance and/or the applicable noise related Major Use Permit conditions. As a result of this review, the Director will determine that the use is in compliance with the requirements of this section and the applicable noise related Major Use Permit conditions or that the Major Use Permit shall be subject to review by the Planning Commission. If the Planning Commission finds that the use no longer complies with the requirements of section 6952 and/or the applicable noise related conditions of the Major Use Permit, the Planning Commission may initiate modification or revocation of the permit in accordance with section 7382.c.

noise studies every five years. Imposing such requirements are is arbitrary, unjustified, and punitive in its impact on prospective wind developers that propose to site projects on County land. The County acknowledges Large Wind Turbines will be required to go through a Major Use Permit process. The MUP permit will have conditions that are binding on the project and provide adequate assurance via enforcement compliance without requiring a secure agreement. The need to re-perform noise studies every five years has not been substantiated by the County and should be eliminated.

M-32 Cont.

6. Wind Ordinance Section 6952(h) Turbine Description: The Wind Ordinance should allow for a range of turbines and general turbine models due to the evolving nature of turbine technology. It is critical for the County to produce a Zoning Ordinance capable of keeping pace with an evolving wind industry or risk a repeat of this process as technological innovations become available. It is difficult for wind project developers to designate a particular type of wind turbine technology given these technological advancement and the years it often takes to complete CEQA related permitting processes. Therefore, we encourage the County to draft the Zoning Ordinance amendments in a way that permits wind project developers the flexibility to select turbine technology based on observed site related conditions.

M-33

Conclusion

The Jewel Valley Wind Project strongly supports the County's efforts to amend the Zoning Ordinance in order to provide an updated set of definitions, procedures, and standards for review and permitting of wind turbines and meteorological testing (MET) facilities. We request that the items presented throughout this Comment Letter be addressed by the County prior to considering the adoption of the proposed Zoning Ordinance amendments and DEIR. The Zoning Ordinance amendments will ultimately determine whether renewable wind energy production will be feasible within unincorporated County lands to meet Statewide mandates.

If you have any questions concerning any aspect of this Comment Letter, please contact the undersigned at your convenience. We appreciate the opportunity to comment upon the DEIR and proposed Zoning Ordinance amendments.

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Sincerely,

Joan Heredia
Environmental Permitting Manager, Project Development
Enel Green Power, North America, Inc.

M-33 The County acknowledges and appreciates this comment. Please refer to response to comment H14.

M-34 This comment is concludes the letter and does not raise a significant environmental issue for which a response is required.