

8.2.4 Organization Comments and Responses

The following non-agency organizations have submitted comments on the Draft EIR.

Table 8.2.4-4. Organization Comment Documents Received

Respondent	Code	Contact Information
Jacumba Community Sponsor Group Letter dated: August 14, 2025	O1	Email: JacumbaCSG@outlook.com Contact: <i>Jeff Osborne, Chair</i>

From: [Jacumba Community Sponsor Group](#)
To: [Koutoufidis, Nicholas](#)
Cc: blvdgoodnight@gmail.com
Subject: [External] Starlight Comment from JCSG
Date: Thursday, August 14, 2025 2:38:03 PM
Attachments: [20250807 - Letter to PDS - Starlight Programmatic .pdf](#)

Attached is the Jacumba Community Sponsor Group comment letter for the Starlight Project.

I 01-1

Jeff Osborne
Chair
Jacumba Community Sponsor Group

Please note our new email address: JacumbaCSG@outlook.com

Jacumba Community Sponsor Group

August 11, 2025

To: San Diego County Planning & Development Services (PDS)

Nicholas Koutoufidis

Nicholas.Koutoufidis1@sdcounty.ca.gov

Re: Starlight Solar Project – Draft EIR Comments 8.11.25

Dear Nick Koutoufidis,

The Jacumba Community Sponsor Group (JCSG) submits the following formal comments on the Draft Environmental Impact Report (DEIR) for the Starlight Solar Project. These comments are made for the record pursuant to the California Environmental Quality Act (CEQA) to ensure that all deficiencies, omissions, and concerns are preserved for potential future administrative or judicial review.

O1-2

1. Legal Basis Requiring a Programmatic EIR for Regional Energy Projects

1.1. CEQA Requires Cumulative Impacts to Be Evaluated Together - Under CEQA Guidelines §15130, agencies must consider cumulative impacts when multiple projects contribute to a significant environmental effect. The County has designated the Boulevard–Jacumba area as a Renewable Energy Development Area and approved or proposed numerous utility-scale energy projects that rely on shared resources and infrastructure. These include solar, wind, BESS, substations, and transmission lines that cumulatively impact water, fire safety, noise, viewsheds, and biological and cultural resources.

O1-3

1.2. Courts Have Found Programmatic EIRs Necessary for Systematic Infrastructure Development - In *Planning & Conservation League v. Department of Water Resources* (2000) 83 Cal.App.4th 892, the court ruled that CEQA requires an analysis of cumulative and long-term system-wide impacts where the state was undertaking a coordinated infrastructure program. Similarly, in *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, the court emphasized that CEQA prohibits deferring cumulative impact analysis to later, project-specific EIRs when cumulative effects are reasonably foreseeable.

O1-4

1.3. CEQA Guidelines §15168 Encourage Use of Programmatic EIRs - The Guidelines specifically recommend a Programmatic EIR when multiple individual actions are part of a broader program or plan. In this case, energy development in Jacumba is part of a larger regional energy strategy, evidenced by its inclusion in the County's General Plan, Climate Action Plan, and Renewable Energy Zoning Maps. The County's failure to use a Program EIR results in the illegal segmentation of interrelated projects.

O1-5

1.4. The County's Own Planning Documents Now Acknowledge a Broader Program With the adoption of the Regional Decarbonization Framework and updates to the Climate Action Plan, the County has articulated a clear road map for expanding renewable energy infrastructure in eastern San Diego County. These policy documents confirm that utility-scale renewable energy development in the Jacumba-Boulevard region is intentional and expected, and

O1-6

thus constitute substantial evidence of reasonably foreseeable future projects under CEQA. As such, the County can no longer deny the foreseeable cumulative impacts of multiple energy facilities in this zone—including Starlight Solar—and must initiate a Programmatic EIR.

1.5. Relevant Projects Already Contributing to Cumulative Impacts - The following regional projects demonstrate the need for a Programmatic EIR:

Wind Projects: Tule Wind Phases I & II, Campo Wind, Ocotillo Wind

Utility-Scale Solar: Rugged Solar, Boulevard Solar, Jacumba Solar, JVR Energy Park

Battery Storage Projects (BESS): JVR Energy Park, Starlight Solar, AES Desert Jewel

Substations: ECO Substation, Boulevard Substation, Boulder Brush Substation

Transmission Lines: Sunrise Powerlink, Southwest Powerlink, Boulevard Corridor

1.6. CEQA Requires Assessment of Reasonably Foreseeable Projects - Even if some projects have not yet filed full applications, if they are reasonably foreseeable and rely on the same aquifer, roads, or electrical infrastructure, their impacts must be analyzed together. CEQA disallows “piecemealing” a project into smaller components to avoid full disclosure and analysis (Berkeley Keep Jets Over the Bay Committee v. Board of Port Commrs. (2001) 91 Cal.App.4th 1344).

Request:

The Jacumba Sponsor Group formally requests that the County provide a written legal explanation for why a Programmatic EIR has not been prepared, given the above precedent and regulatory requirements. We also request that the County confirm whether it has evaluated other reasonably foreseeable projects in the Jacumba Valley Aquifer region and how it intends to satisfy CEQA’s requirement for cumulative impact analysis in light of the Regional Decarbonization Framework, Climate Action Plan, and other adopted policies.

2. Inadequate Cumulative Water Supply Analysis

2.1 The DEIR’s water analysis omits the JVR Energy Park and other foreseeable projects like Boulevard Solar, AES Desert Jewel BESS or other projects that could potentially use the Jacumba Valley Aquifer.

2.2 CEQA requires inclusion of all “past, present, and reasonably foreseeable” projects using the same resource.

2.3 Excluding these projects leads to an artificially low estimate of cumulative water demand and impact.

2.4 The County should identify all known or foreseeable projects drawing from the Jacumba Valley Aquifer and include them in a revised cumulative water impact analysis.

3. Legal and Permitting Questions for JCSD Water Sales

3.1 The DEIR indicates JCSD may sell water exceeding 20,000 gallons per day for this project.

3.2 Under San Diego County Zoning Ordinance §§7350–7358 and §2700 et seq., commercial

↑ O1-6
(cont’d)

O1-7

O1-8

O1-9

O1-10

O1-11

O1-12

↓ O1-13

water sales in volumes creating substantial off-site impacts may require a Major or Minor Use Permit.

3.3 If no CUP has been issued, this raises compliance concerns and calls into question the DEIR's assumption that water supply is legally available for the project.

↑ O1-13
(cont'd)

4. Peak-Day Water Hauling and Truck Traffic Not Disclosed

4.1 The DEIR does not clearly disclose **peak-day water demand and truck trips** for water hauling during construction.

4.2 This is critical because construction water demand is not constant and will have peak periods far above average-day values.

4.3 The omission prevents an accurate assessment of traffic, noise, and dust impacts on the community.

4.4 CEQA Guidelines §15144 requires that environmental documents be prepared with sufficient detail to provide the public with adequate information about likely environmental effects.

↑ O1-14

5. Request for GIS-Based Project Data to Evaluate Visual Impacts

5.1 Pursuant to CEQA Guidelines §§15124(c) and 15125(a), the EIR must include an accurate description of the project and its environmental setting sufficient to allow the public and decision-makers to understand the nature and extent of potential impacts.

5.2 For visual resources analysis, CEQA Guidelines §15126.2(a) requires the EIR to evaluate both direct and indirect aesthetic impacts, including changes to scenic vistas.

5.3 To ensure the public can meaningfully review viewshed and visual simulations, we request that the County provide a KMZ/KML file for the proposed project and for each project alternative, including all proposed structures, grading limits, and major infrastructure elements. This will allow stakeholders to use publicly accessible tools, such as Google Earth, to accurately assess visibility, viewshed alterations, and potential aesthetic degradation in compliance with CEQA's requirement for informed public participation (CEQA Guidelines §15201).

↑ O1-15

↑ O1-16

6. Noise Impact Analysis Deficiencies

6.1 The DEIR does not fully evaluate the combined noise of multiple concurrent construction activities or potential tonal/low-frequency noise from inverters and BESS cooling systems and cumulative impacts involving other project such as proposed nearby wind farms.

6.2 This omission could lead to exceedance of County rural noise standards and significant unmitigated impacts.

↑ O1-17

7. Scenic and Economic Impacts

↓ O1-18

7.1 Jacumba is a rural gateway and tourism destination, and its scenic views are central to its economic base.

7.2 The DEIR's analysis fails to account for the **economic harm** to tourism and recreation from industrial-scale visual blight which leads to physical changes in environment due to further loss of local businesses, abandonment of properties, reduced maintenance of historic resources and degradation of community character.

7.3 Visual impacts must be analyzed not only for aesthetics but also for economic consequences and their downstream impacts on the socioeconomics and the physical environment.

O1-18
(cont'd)

8. Environmental Justice and Disadvantaged Community Status

8.1 CEQA Guidelines §15131 and California Government Code §65040.12 require consideration of disadvantaged communities.

8.2 While Jacumba is not listed on the SB 535 DAC map, it is listed on the California Water Board's DAC mapping tool as a disadvantaged community for water purposes.

8.3 The County must clarify which definition it is using and ensure EJ impacts are fully analyzed.

O1-19

Requested Actions:

We respectfully request that the County:

1. Provide written legal justification for not preparing a Programmatic EIR for all foreseeable large-scale regional energy projects.
2. Revise the cumulative water supply analysis to include all projects drawing from the Jacumba Valley Aquifer, including JVR Park and other reasonably foreseeable projects.
3. Clarify whether JCSD requires a CUP for high-volume water sales and confirm such permits are in place.
4. Provide full peak-day truck trip projections and analyze related noise, dust, and traffic impacts.
5. Provide a KMZ/KML file for the proposed project and for each project alternative
6. Revise the noise analysis to include worst-case combined noise impacts.
7. Expand the scenic impact analysis to include economic harm to tourism and downstream physical environmental impacts.
8. Apply environmental justice analysis in accordance with Jacumba's DAC status.

O1-20

Sincerely,
Jeff Osborne
Chair, Jacumba Community Sponsor Group

8.2.4.1 **Response to Comment Letter O1 from Jacumba Community Sponsor Group (dated August 14, 2025)**

Comment No.	Response
O1-1	<p>The commenter introduces the letter on behalf of the Jacumba Community Sponsor Group. Responses to the specific comments in the letter are provided below.</p>
O1-2	<p>This comment states the purpose of the letter and relays that the comments herein shall be included in the administrative record for the project.</p> <p>A copy of this comment letter will be included in the Final EIR, which will be provided to the County Board of Supervisors for review when the project is considered for approval. It is noted that all comment letters submitted in response to the Draft EIR and within the public review period, and responses to the comment letters, are included in the administrative record for the project. No changes to the Draft EIR were determined to be necessary in response to this comment.</p>
O1-3	<p>The commenter states that State CEQA Guidelines Section 15130 requires agencies to consider the cumulative impact of projects that contribute to a significant environmental effect. The commenter goes on to state that the County has designated the Boulevard-Jacumba area as a “Renewable Energy Development Area,” and as a result, several approved or proposed energy projects are contributing to cumulative impacts related to water, fire safety, noise, viewsheds, biological resources, and cultural resources in the area.</p> <p>Regarding cumulative impacts, Section 1.7 in Chapter 1.0, Project Description, Location, and Environmental Setting, of the Draft EIR includes a list of related projects in the surrounding area (see Table 1-4 and Figure 1-13), which are considered in the cumulative impact analyses. Each environmental resource topic in the Draft EIR includes a discussion of potential cumulative impacts of the project and the related projects. As discussed in Global Response GR-2, Cumulative Impacts, two new projects have been added to the proposed project’s cumulative analysis since preparation of the Draft EIR. Refer to Table 1-4 and Figure 1-13 in Chapter 1.0 of the Final EIR. Specifically, the following projects have been added to the project’s cumulative impact analysis:</p> <ul style="list-style-type: none"> • Desert Jewel Storage (PDS2025-MPA-15-001) – 200 MW battery storage • Boulevard Solar – 60 MW solar (MUP-12-010W1) <p>As noted within the Draft EIR, the project would contribute to cumulative impacts related to Aesthetics and Wildfire. Consistent with the analysis included in the Draft EIR, the project’s contributions to cumulative wildfire impacts would be less than significant with the implementation of mitigation measures M-WF-1, M-WF-2, M-WF-3, M-WF-4, M-WF-5, and M-WF-6. The project would continue to result in significant and unavoidable cumulative impacts related to Aesthetics. Consistent with the analysis included in the Draft EIR, the project would not contribute to significant cumulative impacts related to Air Quality, Biological Resources, Cultural Resources, Energy, Geology, Greenhouse Gas, Hazards, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Public Services, Transportation, Tribal Cultural Resources, and Utilities and Service Systems. Furthermore, no significant new information has been identified as a result of expanding the cumulative project list to include the Desert Jewel Storage and Boulevard Solar projects. The changes to the Draft EIR only clarify and support the conclusions regarding the cumulative impacts that were already discussed within the Draft EIR. The cumulative impacts of the project have not changed with the addition of the above projects; therefore, recirculation of the Draft EIR is not required.</p> <p>The County has not specifically identified the communities of Boulevard or Jacumba for potential renewable energy development projects. However, the County’s Regional Decarbonization Framework technical report notes that the Mountain Empire subregion of the County, which includes the communities of Boulevard and Jacumba, is particularly suitable for solar development due to climate of the area that leads to high solar irradiance, as well as proximity to existing transmission infrastructure (County of San Diego 2022). While these factors increase the favorability of solar development in the Boulevard-Jacumba area, they do not indicate that the County has preference or encourages proposed renewable projects to be developed in Boulevard or Jacumba, as these factors are inherent to the existing conditions of the area.</p> <p>As discussed in Global Response GR-2, Cumulative Impacts, regarding the request for the County to prepare a Program EIR related to utility-scale renewable development in the Mountain Empire subregion of Eastern San Diego County, such level of analysis is not required by CEQA. CEQA only requires environmental review when there is a specific project or policy being proposed for approval. In this case, the County is not creating a new program or plan for renewable energy—individual projects will continue to be reviewed separately under existing policies and zoning. The County previously investigated the possibility of undertaking a broader renewable energy planning effort through its Renewable Energy Work Plan (2013–2014) but determined that a program-level study was not necessary. Since that time, renewable projects have been reviewed individually with the level of CEQA analysis appropriate for each proposal. A new programmatic review would not add value or meet a specific CEQA requirement at this stage. No further changes to the Draft EIR were determined to be necessary in response to this comment.</p>

Comment No.	Response
O1-4	<p>The commenter states that there is legal precedent that would require the County to prepare a Programmatic EIR for the related utility-scale renewable energy projects proposed in the Boulevard area. Specifically, the commenter cites <i>Planning & Conservation League v. Department of Water Resources</i> (2000) 83 Cal.App.4th 892 and <i>Communities for a Better Environment v. California Resources Agency</i> (2002) 103 Cal.App.4th 98.</p> <p>The commenter’s assertion that <i>Planning & Conservation League v. Department of Water Resources</i> holds that CEQA requires a Programmatic EIR for analysis of “cumulative and long-term system-wide impacts where the state is undertaking a coordinated infrastructure program” is erroneous. Instead, the Court in <i>Planning & Conservation League v. Department of Water Resources</i> held that the Department of Water Resources, and not the Central Coast Water Authority (CCWA), had the statutory duty to serve as lead agency in assessing the environmental consequences of projects involving the State Water Project. (<i>Id.</i> at 898). The Court also held that the trial court erred by finding CCWA’s EIR sufficient despite its failure to adequately address the “no project” alternative. The Court’s holding in <i>Planning & Conservation League v. Department of Water Resources</i> is not relevant to the project and does not set a precedent that would require the preparation of a Program EIR.</p> <p>The commenter’s assertion that <i>Communities for a Better Environment v. California Resources Agency</i> (2002) 103 Cal.App.4th 98 establishes precedent that requires the County to complete a Programmatic EIR because “CEQA prohibits deferring cumulative impact analysis to later, project-specific EIRs when cumulative effects are reasonably foreseeable” is also erroneous. In <i>Communities for a Better Environment v. California Resources Agency</i>, the Court affirmed the trial court’s invalidation of certain revised CEQA Guidelines that are not applicable here. The Court held revised Guidelines Section 15152(f)(3)(C), which involved tiering, to be invalid because the “section appears to allow an agency, in approving a later project that has significant unavoidable impacts, to forego making a statement of overriding considerations specifically tied to that project.” (<i>Communities for a Better Environment v. California Resources Agency</i> (2002) 103 Cal.App.4th 98, 124). In other words, the Court addressed a circumstance in which a later site-specific EIR may be invalid due to reliance on a prior Programmatic EIR. The Court’s decision does not mandate Programmatic EIRs, nor could it given that CEQA does not mandate the preparation of Programmatic EIRs. Instead, the CEQA Guidelines state that “A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project . . .” (State CEQA Guidelines Section 15168(a)). Here, the County has prepared a project level EIR, which contains a thorough cumulative impact analysis for each environmental resource. Each topic evaluated in the Draft EIR includes a cumulative analysis for the specific resource (e.g., Section 2.1.4, for Aesthetics, Section 2.2.4 for Biological Resources, Section 2.3.4 for Cultural Resources, etc.).</p> <p>Here, the project’s potential contributions to cumulative impacts are discussed throughout the Draft EIR. Consistent with the analysis included in the Draft EIR, the project would contribute to cumulative impacts related to Aesthetics and Wildfire. The project’s contributions to cumulative wildfire impacts would be less than significant with the implementation of mitigation measures M-WF-1, M-WF-2, M-WF-3, M-WF-4, M-WF-5, and M-WF-6. The project would result in significant and unavoidable cumulative impacts related to Aesthetics. Consistent with the analysis included in the Draft EIR, the project would not contribute to significant cumulative impacts related to Air Quality, Biological Resources, Cultural Resources, Energy, Geology, Greenhouse Gas, Hazards, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Public Services, Transportation, Tribal Cultural Resources, and Utilities and Service Systems.</p> <p>As such, the cases referenced by the commenter do not provide substantial evidence that a Program EIR is required for the project and other renewable energy projects in the surrounding area. See Response O1-3 above and Global Response GR-2, Cumulative Impacts for additional information. No further changes to the Draft EIR were determined to be necessary in response to this comment.</p>
O1-5	<p>The commenter states that the ongoing energy development in Boulevard/Jacumba is part of a larger regional energy strategy, and therefore a Programmatic EIR should be prepared pursuant to CEQA Guidelines Section 15168. Specifically, the commenter claims that implementation of the County’s General Plan, Climate Action Plan, and Renewable Energy Zoning Maps would result in increased energy development in Boulevard/Jacumba.</p> <p>The Final Program EIR for the County’s General Plan Update was certified in August of 2011. A Supplemental EIR was prepared in May 2024 to analyze the environmental impacts associated with implementation of the County’s 2024 Climate Action Plan, which was adopted in September 2024 (County of San Diego 2024). The Supplemental EIR for the 2024 Climate Action Plan specifically discusses impacts related to potential increased development of renewable energy projects throughout the unincorporated County area. However, none of these plans specifically encourage private renewable energy development projects (such as the proposed project) in Jacumba or Boulevard. As the project is not a County-initiated project, it should not be considered a part of a larger strategy by the County and does not require the preparation of a Program EIR. As stated above, CEQA does not mandate the preparation of a Program EIR (State CEQA Guidelines Section 15168(a)). See Responses O1-3 and O1-4 above and Global Response GR-2, Cumulative Impacts for additional information.</p>

Comment No.	Response
	<p>On October 15, 2019, and October 29, 2019, the County Board of Supervisors (Board) adopted an ordinance to implement a Community Choice Energy (CCE) program within the unincorporated areas of San Diego County. An increase in CCE programs throughout the state will likely increase the demand for renewable energy. In the unincorporated county, the CCE's planned implementation will increase the demand for renewable energy to 90% by 2030, reduce greenhouse gas emissions, and meet State renewable energy mandates.</p> <p>To ensure that the County of San Diego (County) does its part to increase renewable energy supply in the region, on April 21, 2020, the Board approved the recommendations of Chairman Cox and Vice-Chairman Desmond and directed staff to return with options to streamline the environmental review process for renewable energy projects within the unincorporated area, including preparing a Programmatic EIR, identifying ideal locations for renewable energy projects, and developing a design review checklist to exempt specific projects. Planning & Development Services (PDS) staff developed a range of options for the Board's consideration, informed by research, statewide best practices, analysis, and stakeholder engagement.</p> <p>On Wednesday February 10, 2021, the Board heard Options to Streamline Renewable Energy Projects in the unincorporated areas. The Board did not direct staff to further pursue a Renewable Energy Overlay at this time and directed staff to complete permit process improvements and expand the design review checklist process for renewable energy projects. The Board also directed staff to return to the Board after additional stakeholder engagement with further analysis of a renewable energy Zoning Ordinance update. The Board also directed staff to develop approaches to incentivize and streamline distributed energy generation; review additional renewable energy opportunities; and explore community benefit agreements, local hire provisions, and other mechanisms that might benefit communities to improve conditions where renewable energy facilities are located. On November 3, 2021, the Board directed staff to do the following:</p> <ul style="list-style-type: none"> • CEQA compliance/exemptions: The Board found the proposed future actions comply with CEQA and County CEQA Guidelines because (1) any future Zoning Ordinance changes will undergo CEQA review as a separate future project, and (2) proposed efforts to incentivize/streamline distributed renewable energy are CEQA-exempt under CEQA Guidelines Section 15061(b)(3). • Streamline battery storage permitting (Industrial zones): Direct the Chief Administrative Officer (CAO) to amend the Zoning Ordinance to change large-scale battery storage (Minor Impact Utilities) from Minor Use Permit to Site Plan in M-50 and M-52 zones, • Require compliance with County decommissioning requirements, and • Also return with an ordinance that includes public comment and an appeal process countywide. • Staffing: Return to the Board in December with staffing recommendations to support renewable projects. • Decommissioning coordination: Continue stakeholder work on decommissioning plans for battery storage as part of broader program development. <p>In summary, while the County did explore using Renewable Energy Zoning Maps as the basis for a Renewable Energy Overlay Zone—i.e., a regulatory approach intended to more clearly guide and constrain where utility-scale renewable energy facilities could be sited—the Board ultimately did not direct staff to pursue the overlay at that time. Instead, the Board prioritized permit process improvements and expanding the design review checklist and directed staff to return after additional stakeholder engagement with further analysis of potential Zoning Ordinance updates. Because the zoning-map/overlay concept was not adopted as a binding land use regulatory program, the maps (standing alone) do not constitute an approved “broader program” committing the County to utility-scale energy development in Boulevard and Jacumba, and they do not convert separate renewable energy proposals into a single program that must be analyzed through a Programmatic EIR. No changes to the Draft EIR were determined to be necessary in response to this comment.</p>
O1-6	<p>The commenter claims that, with the adoption of the Regional Decarbonization Framework and the 2024 Climate Action Plan, the County has provided clear evidence that eastern San Diego County is being specially targeted for the development of renewable energy, which necessitates the preparation of a Programmatic EIR.</p> <p>See Response O1-3 above. The County has not specifically identified the communities of Boulevard or Jacumba for potential renewable energy development projects. However, the County's Regional Decarbonization Framework technical report notes that the Mountain Empire subregion of the County, which includes the communities of Boulevard and Jacumba, is particularly suitable to solar development due to climate of the area that leads to high solar irradiance, as well as proximity to existing transmission infrastructure (County of San Diego 2022). While these factors increase the favorability of solar development in the Boulevard-Jacumba area, they do not indicate that the County has preference or encourages proposed renewable projects to be developed in Boulevard or Jacumba, as these factors are inherent to the existing conditions of the area. Indeed, utility-scale solar projects have been proposed and built throughout unincorporated San Diego County. Furthermore, the County does not dictate the type of project applications it receives to process from private entities, whether for renewable energy projects or other land development types. Therefore, the preparation of a Program EIR is not warranted. As stated above, CEQA does not mandate the preparation of a Program EIR (State CEQA Guidelines Section 15168(a)). See also Responses</p>

Comment No.	Response
	<p>O1-4 and O1-5 above, and Global Response GR-2, Cumulative Impacts, for additional information. No changes to the Draft EIR were determined to be necessary in response to this comment.</p>
<p>O1-7</p>	<p>The commenter states that, in addition to the proposed project, the following proposed and/or approved projects demonstrate the need for a Program EIR: Tule Wind Project, Campo Wind Project, Ocotillo Wind Project, Rugged Solar Project, Boulevard Solar Project, Jacumba Solar Project, JVR Energy Park Project, AES Desert Jewel Project, ECO Substation, Boulevard Substation, Boulder Brush Substation, Sunrise Powerlink, Southwest Powerlink, and the Boulevard Corridor Transmission Line.</p> <p>As discussed in Global Response GR-2, Cumulative Impacts, the Draft EIR included the Campo Wind, Boulder Brush, Jacumba Solar, JVR Energy Park, Rugged Solar, and the Tule Wind Projects in the project's cumulative analysis (see Table 1-4 and Figure 1-13 in Chapter 1.0, Project Description, Location, and Environmental Setting, of the Draft EIR). In addition, the following projects have been added to the project's cumulative impact analysis:</p> <ul style="list-style-type: none"> • Desert Jewel Storage (PDS2025-MPA-15-001) – 200 megawatts (MW) of battery storage • Boulevard Solar – 60 MW solar (MUP-12-010W1) <p>The Ocotillo Wind, ECO Substation, Boulevard Substation, Sunrise Powerlink, Southwest Powerlink, and Boulevard Corridor Transmission Line projects were not included in the Draft EIR cumulative impacts analysis, as these projects were determined to not be within the cumulative scope of the project. Specifically, construction of these projects was completed over 10 years ago and therefore would not overlap with development of the proposed project. As such, these projects were considered a part of the existing conditions of the area and would not result in cumulative impacts in conjunction with the project. As discussed in Section 2.1, Aesthetics, of the Draft EIR, the Boulevard area's confluence of high elevation, insolation, prevalent winds, and two high-voltage transmission lines has led to a high concentration of utility-scale renewable energy projects over the past 20 years. The project would contribute to significant cumulative impacts related to Aesthetics regardless of the projects listed by the commenter. Consistent with the analysis included in the Draft EIR, the project would not contribute to significant cumulative impacts related to Air Quality, Biological Resources, Cultural Resources, Energy, Geology, Greenhouse Gas, Hazards, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Public Services, Transportation, Tribal Cultural Resources, and Utilities and Service Systems. Furthermore, no significant new information has been identified as a result of expanding the cumulative project list to include the Desert Jewel Storage and Boulevard Solar projects. The changes to the Draft EIR only clarify and support the conclusions regarding the cumulative impacts that were already discussed within the Draft EIR. The cumulative impacts of the project have not changed with the addition of the above projects; therefore, recirculation of the Draft EIR is not required.</p> <p>No further changes to the Draft EIR were determined to be necessary in response to this comment.</p>
<p>O1-8</p>	<p>The commenter states that the environmental impacts of reasonably foreseeable projects must be analyzed together to avoid "piecemealing" and cites <i>Berkeley Keep Jets Over the Bay Committee v. Board of Port ComGRs</i>. (2001) 91 Cal.App.4th 1344 to support this assertion.</p> <p>"Piecemealing" under CEQA can occur when a single large project is broken up into smaller, separate components to avoid detailed environmental review (<i>Berkeley Keep Jets Over the Bay Committee v. Board of Port Com'rs</i> (2001) 91 Cal.App.4th 1344, 1357). Typically, piecemealing occurs when each project component cannot demonstrate independent utility. A project has independent utility if it can function on its own and achieve its basic purpose, even if other related projects are not built. As previously discussed, the related renewable energy projects identified by the commenter would be initiated by different developers and would generate power for a variety of utility purveyors. Here, the Draft EIR addresses the whole of the project that has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. (See 14 California Code of Regulations [CCR] Section 15378(a)). No part of the project has been broken off to avoid this analysis. Further, the project could be constructed and operated without approval of any of the related renewable energy projects described by the commenter. As such, separate analysis of each project would not be considered "piecemealing" under CEQA. The Court's opinion in <i>Berkeley Keep Jets Over the Bay Committee v. Board of Port Com'rs</i>, which held that an EIR prepared for an airport expansion project was not deficient for excluding a new runway and runway extension from the project description, supports this assertion: "failure to analyze a new runway, the high-speed taxiway, and runway extension doesn't violate the underlying policy against "piecemealing," because the facts do not support the conclusion that these contemplated long-range projects are a reasonably foreseeable consequence of the project under review." Similarly, here, there is no reasonably foreseeable consequence of the project under review that the Draft EIR does not adequately analyze. No changes to the Draft EIR were determined to be necessary in response to this comment.</p>

Comment No.	Response
O1-9	<p>The commenter requests that the County provide an explanation as to why a Programmatic EIR has not been prepared, whether or not cumulative impacts to the Jacumba Valley Aquifer have been properly analyzed, and how the cumulative impacts resulting from adoption of the Regional Decarbonization Framework and the Climate Action Plan will be addressed.</p> <p>See Response O1-5 above, Global Response GR-2, Cumulative Impacts, and Global Response GR-3, Groundwater Impacts for responses to this comment. No further changes to the Draft EIR were determined to be necessary in response to this comment.</p>
O1-10	<p>The commenter states that the Draft EIR did not include JVR Energy Park, Boulevard Solar, or the AES Desert Jewel BESS Project in the analysis of the project's cumulative groundwater impacts.</p> <p>As discussed in Global Response GR-3 Groundwater Impacts, the JVR Energy Park project was included in the cumulative groundwater analysis for the project. As discussed in Global Response GR-2 Cumulative Impacts, the Boulevard Solar Project and Desert Jewel Storage Project have been added to the project's list of cumulative projects in the revised Draft EIR/Final EIR. However, the water use associated with these projects is not yet known. As discussed in Section 2.4, Hydrology and Water Quality, of the Draft EIR, monitoring will be conducted to verify that groundwater levels remain stable at accessible off-site wells. A Groundwater Monitoring and Mitigation Plan (GMMP), which details the updated establishment of groundwater thresholds for off-site well interference and groundwater-dependent habitat, was prepared for the off-site water supply (see Appendix G.2 of the Draft EIR). Other renewable projects occurring in the area would be required to prepare a GMMP, similar to the project, which would ensure that groundwater-level monitoring would be performed in groundwater wells and that groundwater levels would be recorded during groundwater extraction of related projects. Therefore, the project would not result in cumulatively considerable groundwater impacts. No further changes to the Draft EIR were determined to be necessary in response to this comment.</p>
O1-11	<p>The commenter requests that the County identify all known or foreseeable projects drawing from the Jacumba Valley Aquifer and include them in a revised cumulative water impact analysis for the project.</p> <p>As discussed in Global Response GR-3, Groundwater Impacts, the <i>Updated Draft Groundwater Resources Investigation Report – Flat Creek Watershed Analysis</i> (INTERA Incorporated 2025a; Draft EIR Appendix G.5) concludes that cumulative impacts to the Jacumba Valley Aquifer would be less than significant. Table 1-1 in the report includes an analysis of the cumulative impacts related to water supplied by Jacumba Community Services District (JCSD), which encompasses the proposed project as well as the Jacumba Solar, Boulder Brush, Campo Wind, and Rugged Solar projects. Table 2-4 provides an analysis of the cumulative impacts related to demand for groundwater in the Jacumba Valley Alluvial Aquifer, including the Jacumba Valley Ranch Water Company, JCSD's potable and nonpotable demand, and six private wells. The Jacumba Valley Ranch Water Company would supply water for the proposed JVR Energy Park project. As such, the Draft EIR's cumulative impact analysis related to groundwater impacts includes all foreseeable projects and existing demand within the Jacumba Valley Alluvial Aquifer. Therefore, potential environmental impacts associated with groundwater resources have been adequately assessed in the Draft EIR and no revisions to the Draft EIR are required.</p>
O1-12	<p>The commenter states that the Draft EIR indicates the project would purchase water from JCSD and may exceed 20,000 gallons per day.</p> <p>See Responses A2-1 through A2-11 to the comment letter provided by JCSD. As discussed therein, the project would not exceed the 20,000 gallons per day limit imposed by the JCSD construction water sales agreement. No changes to the Draft EIR were determined to be necessary in response to this comment.</p>
O1-13	<p>The commenter claims that the water availability agreement which the Draft EIR relied on may be inadequate.</p> <p>In response to this comment, the Project Facility Availability Water Agreement dated June 28, 2022, has been included as Appendix Q to the Final EIR. A construction water purchasing application will be submitted prior to construction of the project. No further changes to the Draft EIR were determined to be necessary in response to this comment.</p>
O1-14	<p>The commenter states that the Draft EIR does not disclose the peak-day water demand and truck trip generation, and that the resulting impact analyses are inadequate.</p> <p>The peak-day water demand and truck trips are not known, as water use throughout construction of the project would vary based on weather conditions. However, as identified in the Revised Water Demand Memo (INTERA Incorporated 2025b; Draft EIR Appendix G.4), the peak period of construction water use would likely be during the grading phase of construction for each phase of the project. As required by the JCSD, the project would not exceed the 20,000 gallons per day limit for construction projects. The environmental impacts associated with vehicle trips generated by water trucks during project construction, such as noise, air quality, and traffic impacts, are included in the quantitative analyses prepared for these resources. See Sections 2.5, Noise; 3.1.1, Air Quality; 3.1.4, Greenhouse Gases; and 3.1.9, Transportation and Traffic, as well as the Air Quality and Greenhouse Gas Technical Study and Air Quality and Greenhouse Gas 2025 Supplemental Memorandum (Appendix H.1 and Appendix H.4 to the Draft EIR), Noise Analysis</p>

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	<p>Report and Construction Traffic Noise Memorandum (Appendix J.1 and J.2 to the Draft EIR), and the Transportation Impact Assessment and Water Truck Traffic Memorandum (Appendix K.1 and K.2 to the Draft EIR). Therefore, potential environmental impacts associated with construction water use have been adequately assessed in the Draft EIR and no revisions to the Draft EIR are required.</p>
O1-15	<p>The commenter states that the CEQA Guidelines require EIRs to provide an accurate description of the project and its environmental setting, and to evaluate both direct and indirect aesthetic impacts, including changes to scenic vistas.</p> <p>Chapter 1.0, Project Description, Location, and Environmental Setting, provides an accurate description of the proposed project and the project site, and includes several figures to provide further detail regarding the project's location and specific components (see Figures 1-1 through 1-13 of the Draft EIR). An analysis of the project's direct and indirect impacts related to visual resources and aesthetics is provided in Section 2.1, Aesthetics, of the Draft EIR. The information provided in this section is based on the Visual Resources Assessment (Draft EIR Appendix C) prepared for the project. As shown in both the Draft EIR and Appendix C, the analysis of the project's visual impacts includes changes to scenic vistas. Specifically, Section 2.1.3.4 focuses on the project's impacts to Focal and Panoramic Vistas and concludes that the project would result in significant and unavoidable impacts. Several figures are included in the Draft EIR that provide simulated visuals of the project from multiple public viewpoints (see Figures 2.1-3 through 2.1-9). Therefore, potential environmental impacts to scenic vistas have been adequately assessed in the Draft EIR and no revisions to the Draft EIR are required.</p>
O1-16	<p>The commenter requests that the County share KMZ or KML file with the public to provide an accurate assessment of the project's visual impacts.</p> <p>This is not a comment specifically on the analysis contained in the Draft EIR; however, it should be noted that a KMZ file providing the project's exact location has been uploaded to the County's website and is available at: https://www.sandiegocounty.gov/content/sdc/pds/ceqa/PDS2022-MUP-22-010.html. No changes to the EIR were determined to be necessary in response to this comment.</p>
O1-17	<p>The commenter claims that the noise analysis included in the Draft EIR is inadequate, and that the project may exceed the County's rural noise standards. Specifically, the commenter states that Draft EIR did not include an analysis of noise generated by all combined construction activities, or an analysis of the project's cumulative operational noise impacts in addition to other nearby projects.</p> <p>As provided in Section 2.5, Noise, of the Draft EIR, and the Noise Analysis Report prepared for the proposed project (Draft EIR Appendix J.1), a noise measurement survey of the existing ambient noise environment consisting of a series of sound level measurements was conducted at nine locations in the project area on June 8, 2022 (see Figure 2.5-1 of the Draft EIR). The measured sound levels in the project area ranged from approximately 30 A-weighted decibels (dBA) of continuous sound (Leq) to 43 dBA Leq (see Table 2.5-2 of the Draft EIR). Based on the modeling results, noise levels at the project boundary would reach levels of up to 37 dBA Leq at the property line corner closest to the battery energy storage system (BESS) area. Therefore, noise levels would comply with County Noise Ordinance Section 36.404 and would not exceed the "rural noise standards" of 50 dBA from 7:00 a.m. to 10 p.m. and 45 dBA from 10:00 p.m. to 7:00 a.m. As shown on Figure 1-13 in Chapter 1.0, Project Description, Location, and Environmental Setting, of the Draft EIR, with the exception of the Tule Wind Groundwater Permitting Project, all of the past, present, and reasonably anticipated future projects in the project area would be several miles away from the project site. Due to the attenuation of noise over large distances, noise generated during operation of the project would not combine with operational noise of related projects and significantly contribute to a cumulative noise impact. Therefore, potential cumulative impacts related to noise have been adequately assessed in the Draft EIR and no revisions to the Draft EIR are required.</p>
O1-18	<p>The commenter claims that the project's visual impacts would result in negative economic impacts to the Jacumba community.</p> <p>As discussed in the Draft EIR, the project would result in significant and unavoidable impacts to visual resources. Specifically, as detailed in Section 2.1, Aesthetics, the project would result in significant impacts related to Visual Character and Quality (Impact AE-1), Valued Visual Character and Image of Neighborhood or Community (Impact AE-2), and Focal and Panoramic Vistas (Impact AE-3). No feasible mitigation measures have been identified to reduce the visual impacts of the project to a less-than-significant level. As such, if the proposed project is approved, the County will prepare a Statement of Overriding Considerations, as required by State CEQA Guidelines Section 15093. However, as described in Global Response GR-6, Fire Insurance, Socioeconomic Impacts, and Environmental Justice, comments related to social and economic issues do not specifically relate to the environmental analysis included in the Draft EIR. This response is provided for informational purposes and will be considered by the Board during the project approval process and will be made available through publication of this Final EIR. No changes to the Draft EIR were determined to be necessary in response to this comment.</p>

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O1-19	<p>The commenter expresses concerns regarding the environmental justice impacts of the project due to its location in a disadvantaged community.</p> <p>See Global Response GR-6, Fire Insurance, Socioeconomic Impacts, and Environmental Justice. No changes to the Draft EIR were determined to be necessary in response to this comment.</p>
O1-20	<p>This comment summarizes the specific requests included in the letter, as provided in comments O1-9, O1-11, and O1-13 through O1-19.</p> <p>See responses O1-9, O1-11, and O1-13 through O1-19, and Global Response GR-1, Visual Impacts. With respect to aesthetics, the Draft EIR provides an extensive analysis of potential impacts to aesthetic resources and states that no feasible mitigation measures have been identified to reduce the visual impacts of the project to a less-than-significant level (see Section 2.1, Aesthetics). As provided in State CEQA Guidelines Section 15091(a)(3), CEQA does not require the adoption of infeasible mitigation measures. Additionally, as provided in State CEQA Guidelines Section 15370, CEQA does not require the adoption of mitigation measures that would not avoid or substantially lessen significant environmental impacts. Here, the County has determined that no feasible mitigation measures would reduce visual impacts to a level that is less than significant. In order for an increased buffer distance to successfully avoid impacts, the buffer would have to be so large as to make implementation of the project infeasible. Any buffer distance that could be feasibly incorporated into the project design would not substantially lessen visual impacts. Additional information has been added to Section 2.1, Aesthetics, to further substantiate the infeasibility of potential mitigation measures for aesthetic impacts, such as the use of landforms, vegetation, and structures as visual screens, or siting the project in a different area (see pages 2.1-36 and 2.1-37). The project, as currently proposed, would not include the suggested project design changes. Additional detail regarding the infeasibility of potential mitigation measures for visual resources has been added to Section 2.1 Aesthetics of the Final EIR (see revisions to page 2.1-36 and Table 8-2). As the Draft EIR acknowledges the significant and unavoidable impact to visual resources and incorporates all feasible reduction measures, no further revisions to the Draft EIR are required.</p>