

**COUNTY OF SAN DIEGO
BOULEVARD PLANNING GROUP
*****MINUTES/SUMMARY FOR DECEMBER 3, 2015*****

MEETING CALLED TO ORDER: 7:00 PM, Thursday, December 3, 2015 at the Boulevard Fire Training Room behind the Boulevard Fire Department located at 39919 Ribbonwood Road, Boulevard CA 91905

A. ROLL CALL (Determination of quorum):

- Members present: **2)** Earl Goodnight **3)** Kevin Keane - late **4)** Donna Tisdale **5)** Michele Strand **6)** Paula Byrd **7)** Ron Hynum
- Absent: **1)** Robert Maupin – excused absence

B. PLEDGE OF ALLEGIANCE:

C. MEETING MINUTES/SUMMARY FOR NOVEMBER 5TH MEETING:

- ***M/S: BYRD/HYNUM: Approve November 5th minutes as written. Passed 5-0-0 (Keane did not vote due to late arrival)***

D. PUBLIC COMMUNICATION:

- Pat Stuart brought up the proposed 70% water rate increase (approximately \$36/month) and bulk water sales authorization request from Live Oak Springs Water Company to CPUC via Advice Letters 30W and 30W-A . She asked that this item be placed on the Group's January agenda for a public discussion and action.
- Chronic concerns remain over management and operation of Live Oak Springs Water Company and adverse impacts to low-income ratepayers, local wells and loss of mature oak and pine trees related to water sales.
- Ms. Stuart announced a meeting with the CPUC representative and Nazar Najor will be held at 5:30 pm on Wednesday December 9th at the Boulevard Fire Training Room and encouraged public participation.
- Chair reported that Dudek's Trey Driscoll responded to her request and e-mailed a digital copy of the Source Capacity Study that she said should have been made available to impacted ratepayers and other impacted well / property owners along with notice of the request for a rate increase and authorization of bulk water sales.
- Paul Isham stated that he has lived downstream and across Old 80 from Live Oak Springs for over 30 years and that he is convinced that bulk water sales were ultimately responsible for drying up his 50' deep well and for dropping water levels on his property from average 19' to 130', resulting in the need to drill a new well and to haul in water for his home and livestock for over 6 weeks @ \$75/day while his new well was being drilled.
- Mr. Isham also stated that he had checked with at least one state agency and found that Live Oak Springs Water does not have the necessary permits or riparian water rights required to authorize bulk water sales.
- Chair provided brief update on Pine Valley Mutual Water Company bulk water sales to local projects provided via their recent update to 'customers' that included the January 2015 cancellation of a large sale to a mutual water company in the Boulevard area that prevented as much as \$50,000 of additional income. She believed that cancellation was likely for Soitec's terminated Tierra Del Sol Solar project.
- Chair reported that proposed Landscape Ordinance Amendments related to water use were just received and will be added to the January agenda.

E. ACTION ITEMS:

1. **SHOULD THE GROUP REQUEST A GROUNDWATER MONITORING UPDATE FROM JIM BENNETT:**
 - Chair reported that Jim Whalen sent his regrets for not being able to attend meeting due to other obligations. He said he would support a presentation from Jim Bennett.
 - She also reported that recent monitoring indicates local wells dropped an average of 1' to 10' during the last several months between measurements, including her family's wells.
 - Everyone expressed interest in requesting a presentation update. There were no stated objections.

- *M/S: GOODNIGHT/KEANE: Authorize Chair to request an update from Jim Bennett on the groundwater monitoring program at our February meeting: Passed: 5-0-0*

F. GROUP BUSINESS & PROJECT UPDATES: Announcements; correspondence; discussion only items

1. REVITALIZATION REPORT by Tammy Daubach:

- December 7th meeting in Fire Training Room.
- Backcountry Revitalization meeting with Dianne Jacob at 2:30 on December 10th in Campo.

2. FIRE SAFE COUNCIL REPORT by Tammy Daubach:

- A giant application process is required for grants from fire fees and is very difficult to complete.
- Only \$5 million in State-wide grants available when \$10 million was collected just in San Diego County.
- Last year, San Diego County only received \$100,000.
- REACH emergency air ambulance program offers family life flight airlift services for average \$65 /year.

3. SOITEC SOLAR DEVELOPMENT; PDS2012-3910-120005:

- The Chair confirmed that a court hearing is currently scheduled on the December 11th for Case NO. 37-2015-00007420-CU-TT-CTL filed by Backcountry Against Dumps.
- Soitec and San Diego County have requested dismissal of the writ of mandate and remaining CEQA claims, including groundwater and noise impacts.
- Objections have been filed in response to the motion for attorney fees filed for Backcountry.
- If the judge dismisses the remaining CEQA claims, Soitec will be able to move forward with development or sale of Rugged Solar project without benefits claimed from Soitec's closed manufacturing plant.
- Soitec's permitted Tierra Del Sol Solar project is less likely to be sold or developed due to Soitec's previous termination of the project and the CAISO grid interconnection agreement in early 2015.
- Local residents reported seeing smaller water trucks parked behind the Rough Acres Ranch barns on a regular basis, adding speculation and previous concerns of potential clandestine water pumping taking place under cover of darkness. County previously questioned storage of commercial water trucks there.

4. 2.9MW CHAPMAN SOLAR RANCH, PDS2015-MUP-15-005, LOG NO. PDS2015-ER-15-21-001:

- Chair reported Chapman Ranch Solar was withdrawn and all work stopped on the project at the request of sPower via e-mail sent at 5:18pm on Monday December 1st, primarily due to timeline risk concerns.
- She also report receiving confirmation that the project's road easement across a neighbor's property was also terminated without being recorded.
- sPower's e-mail message was included in the agenda package. It was provided by County planner Mindy Fogg who is leaving soon to work for Santa Barbara County.
- Chair stated that Jim Whalen said he may be able to find a new developer because it is a good project.

5. ROUGH ACRES RANCH CAMPGROUND/CONFERENCE CENTER: PDS2012-3300-12-021 (MUP): DRAFT EIR EXPECTED BY YEAR END:

- No new information

6. ROUGH ACRES RANCH ROAD - MAJOR GRADING PERMIT PENDING: PDS2011-2700-15622: APPLICANT GREGG HAMANN:

- Road project reportedly waiting for Tule Wind and Soitec Solar projects to move forward.

7. TULE WIND – SOUTHERN CALIFORNIA EDISON'S ADVICE LETTER 3287-E SEEKING CPUC FOR APPROVAL OF 15-YEAR POWER PURCHASE AGREEMENT (PPA) FOR 132MW HAS BEEN SUSPENDED FOR UP TO 120 DAYS:

- Iberdrola's response to the CPUC to Backcountry's formal protest of their Power Purchase Agreement, included a letter from USFWS confirming that they had reversed their previous determination that Tule Wind was just one project with two phases.
 - USFWS is now going along with Iberdrola's claim that Tule Wind is two separate projects, owned by two separate Iberdrola LLCs, for the sake of the Take Permit.
8. **TULE WIND'S LEASE APPLICATION WITH STATE LANDS COMMISSION (SLC) FOR WIND TURBINES, ROADS & INFRASTRUCTURE, MAY BE HEARD DECEMBER 18TH:**
- Chair reported that the State Lands Commission contact was copied on the USFWS letter documenting their reversed determination on Tule Wind being one project and that she assumed that was meant to smooth the path for SLC to approve the Tule Wind lease required for Phase II.
9. **TULE WIND PHASE II:**
- Nothing new to report other than USFWS issue already addressed.
10. **COMPREHENSIVE RENEWABLE ENERGY PLAN (CREP) POD 13-007:**
- Nothing new to report.
11. **LANSING PRIVATE ROAD GRADING PDS2012-2700-15676, LOG NO. PDS2015-er-15-21-002: NOTICE OF INTENT TO ADOPT MITIGATED NEGATIVE DECLARATION:**
- Chair reported that project manager Kenneth Brazell did not have anything to report but he would ask Don Kraft for an update.
12. **JOINT CPUC AND FOREST SERVICE FINAL EIR/EIS AND FOREST SERVICE DRAFT RECORD OF DECISION HAVE BEEN RELEASED FOR SAN DIEGO GAS & ELECTRIC'S MASTER SPECIAL USE PERMIT / PERMIT TO CONSTRUCT APPLICATION:**
- Chair reported that on December 3rd, the CPUC Administrative Law Judge issued a ruling stating that *"By ruling dated October 5, 2015, I granted San Diego Gas & Electric Company's (SDG&E) motion to strike the prepared testimony of Matthew Rahn, Mark Ostrander, and Duncan McFetridge. Upon review of Backcountry Against Dumps and Cleveland National Forest Foundation's (Backcountry/CNFF) joint opening briefs, I hereby reverse that ruling in part, and set an evidentiary hearing at 9:00 a.m. on Monday, January 11, 2016, to receive that testimony"*
13. **20MW JACUMBA SOLAR LLC MUP PDS2014 MUP-14-041 DRAFT EIR:**
- Chair reported that she had been informed that on November 24th Jacumba Sponsor Group had voted to approve the project prior to release of the pending Final EIR documents.
 - Witnesses stated that County representatives were present at that meeting along with Trey Driscoll of Dudek. They stated that, in their opinion, the Group was repeatedly pressured by Bill Pape to vote to support the project despite the fact that the Final EIR was not yet available for public review and comment. One Group member did express concern that the FEIR had not been released, but did vote with the rest of the Group to approve the project.
 - Concerned Jacumba residents raised concerns regarding perceived violations and conflicts-of-interest that should have required a majority of 3 of the 5 voting members to recuse themselves, including two members who also serve on the Board of the Jacumba Community Services District that has an approved water sales contract with Jacumba Solar and another member who may potentially receive a fee for each water truck that crosses over their private property, depending on which JCSD wells are used.

G. THE MEETING WAS ADJOURNED @ APPROXIMATELY 8 PM. ACTUAL TIME WAS NOT RECORDED.

Minutes approved by Group on 1-7-16

Michele Strand, Secretary: _____

For More information contact Donna Tisdale, Chair at 619-766-4170 or tisdale.donna@gmail.com