

- the recent approvals for industrial scale solar and all the vocal arguments at public hearings that owners have the right to do what they want with their properties, and that gets translated into converting their agricultural land for industrial scale solar uses. “No land shall be converted from Agricultural designation” becomes nothing more than empty words, given actions of the County Supervisors to approve the many solar projects. If one is supposed to believe that these lands are now “harvesting energy as an agricultural use”, what is the next creative word play the next time there is a request for conversion of lands to industrial RE uses in any zone?
117. Based on what we have heard from farmers, it seems highly unlikely that agricultural lands converted to industrial scale solar will be restored to agricultural production after facility decommissioning as suggested by DPEIR at p. 4.2-6, and even if the Dept. of Conservation thinks this might be possible (DPEIR 4.2-7) Furthermore, the DPEIR discussion of agricultural resources notes that: “Although it is anticipated that construction of renewable energy facilities would convert Important Farmland to nonagricultural uses, acreages of agricultural conversion cannot be calculated at this time. The proposed Project would be implemented on a “project-by-project” basis based on County approval of individual renewable energy projects.” (DPEIR 4.2-6)
118. Conversion of productive agricultural lands was noted among the many concerns of the Imperial County Environmental Justice Task Force, an informal group of concerned members of the public that meets to discuss issues and share concerns about environmental justice with governmental agencies. (EJTF February 23, 2015 comments on the DRECP are included as Exhibit 75.)
119. It seems that BLM activities regarding the DRECP (DPEIR 4.10-3) are supportive of the conversion of much of Imperial County into a California Sacrifice Area rather than of protecting and managing for resources values described in the 1980 CDCA Plan as Amended prior to the push to industrialize public lands for development of industrial renewable energy for the benefit of distant more affluent urban communities on the coast.
120. DPEIR 4.10-6 fails to disclose that the entire Ocotillo-Nomirage Community Area in SW Imperial County is dependent on groundwater from the overdrafted US EPA designated Sole Source Aquifer. See Exhibits 33 and 34 submitted originally with comments on the NOP and IC BEIR. See also DPEIR Fig. 4.10-3 for location of the Ocotillo-Nomirage Community area (DPEIR 4.10-9).
121. Regarding Habitat 2000 (DPEIR 4.10-10), what happened to that project? Harmon thought it was long dead, having been approved, but without any follow up activity for many, many years.
- New proposal for industrial scale PV on land zoned residential within the Ocotillo-Nomirage Community Area Plan creates concerns about whether County is willing to accept its adopted Zoning and General Plan guidelines any more for undeveloped desert lands than for land zoned and used for agriculture.**
122. Preliminary information related to the newest proposal (of which we are aware) for industrial scale Photovoltaic project on land zoned residential within the Ocotillo-Nomirage Community Area Plan (ONCAP) creates concerns about whether County is willing to accept its adopted zoning and General Plan guidelines any more for undeveloped residential lands than for land zoned and used for agriculture. (See Exhibits 64 and 65 with information from Pristine Sun and about the project.)
123. The ONCAP was approved by the Board of Supervisors in 1994. ONCAP at page 5 states that: “The intent of Imperial County in preparing the Ocotillo/Nomirage Community Area Plan is to maintain and protect the existing rural character of the area and to preserve its natural resources.” (ONCAP p. 5, emphasis added) “The Bureau of Land Management administers approximately 93,000 acres of public lands within the planning area. Approximately 15,000 acres are privately owned. The townsite of Ocotillo contains approximately 575 acres; Nomirage contains approximately 225 acres.” (ONCAP p.7)
124. After experiencing the adverse consequences of construction and operation of the Ocotillo Wind Energy Facility on public lands surrounding the community of Ocotillo, seeing what has happened related to industrial scale solar on lands zoned and used for agriculture, reviewing the RETE RE Overlay Map and DRECP Preferred Alternative map as it relates to Imperial County, to now see a proposal to potentially begin the conversion of residentially zoned lands to industrial scale solar in a location outside either the

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- DRECP or RETE RE Overlay Map raises ever more serious concerns about the intent of Imperial County related to zoning, planning, and RE. Repeated statements by County Supervisors, during public hearings, about property rights of those proposing conversion of their agricultural lands to industrial scale solar projects, suggests that Supervisors may again continue to ignore previous Zoning and Planning designations whenever and wherever they so choose. Such ill-advised County decisions may effectively result in leaving zoning and planning decisions up to the courts if litigation can be afforded, filed, and successful.
- Comment 20-100 (continued)
125. On February 19, 2015, Parke Ewing attended the Pre-Application meeting along with others from the Ocotillo Discovery Committee. After the meeting, from which Harmon was excluded, she was informed by area residents that the project applicants had never even been to the proposed project site and that they seemed to have little understanding of the drainage or groundwater issues. Parke Ewing reported the following from the Pre-Application meeting for Pristine Sun proposal for an industrial scale solar project in Ocotillo area:
- “The proposed site is landlocked and will require BLM or private easement for access. Overhead power poles will be used to get power from site to Pattern's Substation and connection fees will cost 10 million. When asked where water will come from, the project manager answered by water trucks. BLM needs to give them ROW. Posts (12" X 12") for panels will be pile-driven into ground 8' deep.” (Parke Ewing email February 21, 2015) (See also Exhibits 65, 66.)
- Comment 20-101
126. While this may seem like a small proposal for less than 100 acres, it becomes threatening when one considers that the ONCAP includes 15,000 acres that are privately owned. This could be the tip of the iceberg, just as was the first approval of conversion of agricultural lands for industrial solar use. It is no wonder companies think they will be able to get approvals for just about anything in Imperial County, regardless of the adverse impacts to disadvantaged communities and public health.
- Imperial County has a history of unwise Land Use Planning and Zoning Decisions related to large projects with potentially devastating impacts to rural residential communities, natural and cultural resources, in addition to adverse impacts related to conversion of agricultural lands for industrial RE uses.**
127. Imperial County has a history of unwise Land Use Planning and Zoning decisions related to large projects with potentially devastating impacts to rural residential communities, natural and cultural resources. County approved projects on private lands have or would have created as many adverse impacts as OWEF on BLM lands. We have also seen many County approvals of industrial scale solar projects on farmland zoned for agriculture, and over serious objections from the public and members of the agricultural community. Both types of County approvals have lead to litigation, a sense of community insecurity, and public health/environmental justice concerns.
128. Imperial County Planning Commission and Board of Supervisors approvals of the land use and zoning changes for approval of the almost 1,000 acre Coyote Wells Specific Plan (CWSP) aka Wind Zero (a “Blackwater style”) Training Facility across the street from the residential community of Nomirage, in the Ocotillo area, left many residents from all across Imperial County with an abiding lack of confidence in the willingness of the County to consider anything other than empty promises of jobs and monies from project applicants. (Exhibit 64 is the Minute Order of the Board of Supervisors’ approvals in 2011.) We are including a list of the Wind Zero-Coyote Wells Specific Plan project components to remind those not responsible for the approvals just how incompatible the project was adjacent to the residential community of Nomirage. Exhibits summarizing the Wind Zero-Coyote Wells Specific Plan project (WZ-CWSP) project are included as exhibits to remind all reviewers of the true nature of what the County approved. Those County approvals were certainly inconsistent with the County’s own Ocotillo Nomirage Community Area Plan. (Exhibit 67 was originally submitted as Exhibit 81 for the WZ-CWSP project, and includes project components by activity. Exhibit 68 provides a list of the Wind Zero CWSP project components by phases of construction.) Litigation and foreclosure finally terminated that County approved, potential community-destroying project. Approval of controversial projects can leave the ultimate decision-making for zoning and planning in the hands of the courts, with the concerned public being expected to seek legal enforcement when the County decision-makers choose to ignore public
- Comment 20-102

- concerns and its own General Plan and ordinances. The result is the County loses the respect of its residents, and can easily be seen as open for other less than desirable projects.
129. To the public, the Wind Zero approval is an example of what is perceived as a lack of the County's respect for a low income, rural community, environmental justice concerns, and disregard of the consequences of approving a massive development at a site that was under water during the flooding of 1976 and 1977 and many times since. The Wind Zero project process also left the taxpayers of the County with what we understand were substantial unrecovered financial costs.
130. There was, however, one positive outcome related to opposition to the Wind Zero project. Strong and lasting alliances and friendships based on a common struggle for environmental and community justice continue to this day. Why? Because the nature of some large development proposals is perceived as threatening to far more than just the closest residents. Which part of the County will be next for an inappropriate land use?
131. If Imperial County would approve a project such as Wind Zero on land under County jurisdiction before the County also approved the Implementation Agreement for the Ocotillo Wind Energy Facility after overwhelming opposition from the public and Native Americans, is there any reason for the public not to have very serious reservations about any future County approved projects related to Renewable Energy and/or County intentions related to mitigation, monitoring or protection of resources?
- Many past Imperial County project approvals encourage affluent urban areas on the coast to view the County as a willing Cerrell Community or Sacrifice Area willing to accept projects that other areas reject**
132. Imperial County farmers were "offered" land application of secondary treated sewage sludge to solve San Diego's sewage sludge/biosolids problem, trash-by-rail landfill for Los Angeles trash, manure burning incinerators, new prisons, both State and private, tire incineration project, "scorched earth" and resource damaging, industrial-scale solar and wind projects, and a Blackwater-style training facility. Fortunately, many projects were successfully stopped or modified by public opposition or litigation.
133. Imperial County has a history of attracting applicants who wish to site what are known elsewhere as "Locally Undesirable Land Uses" or LULUs. "In 1984, the California Waste Management Board paid the Los Angeles consulting firm, Cerrell Associates, \$500,000 to define communities that won't resist siting of LULUs." A summary attached as a cover sheet to the full Cerrell Study summarized those characteristics as follows: "LEAST LIKELY TO RESIST: Southern, Midwestern communities, Rural communities, Open to promises of economic benefits, Conservative, Republican, Free-Market, Above Middle Age, High school or less education, Low income, Catholics, Not involved in social issues, Old-time residents (20 years+), "Nature exploitive occupations", (farming, ranching, mining)" (Exhibit 69, emphasis added)
134. RETE DPEIR at 2-1 lists as fiscal benefits to the County, the first four considerations for approval, and never considers that there might be some liabilities or potential adverse impacts. Page 2 of the RETE GPU echoes the financial considerations as primary. County approvals for development projects, where there have been serious substantive reasons to deny projects, always seemed to be based on promises of monies and/or jobs, no matter how temporary. Doesn't this sound like what the Cerrell report suggests related to LULUs? Yes, we are concerned about future unnecessary industrial scale RE projects in Imperial County, with their environmental, environmental justice, and public health impacts, whether under County or BLM jurisdiction. Adverse impacts do not stop at property lines, nor are they restricted to the jurisdiction with approval authority. (See also, Exhibit 75, EJTF concerns about the DRECP.)
- Are solar projects really a means of long term reduction in CO2?**
135. Plant reestablishment in areas cleared for solar projects could take a century or more for anything other than shallow rooted plants that do not sequester as much carbon as deep rooted desert vegetation. (Allen p. 7-8) Therefore,:
- "Understanding the lifespans of the solar plants, compared with this long-term slow C balance is a critical need for determining if these solar developments represent a net long-term reduction in greenhouse gases. Does calcium carbonate then weather back into CO2 with no plants to

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replenish the soil CO₂? Could large-scale solar developments in our deserts actually increase atmospheric greenhouse gas levels over the next centuries?" (Allen 2011 p. 8, Exhibit 53)

"These development impacts are particularly questionable given the incredible surface area located in regions with high solar radiation such as southern California. Warmann and Jenerette (2010) estimated that 10 percent of the rooftop areas suitable for solar photovoltaic systems could supply 80 percent of the annual energy requirements for the region." (Allen 2011 p. 9, Exhibit 53)

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Not all issues in the DPEIR were reviewed or addressed in these comments. Lack of review or comments merely means that we hope others will address issues not covered by these comments. In part, there was a lack of time to review documents when the review period overlapped that for the DRECP with its comment Deadline of February 23, 2015. For that reason, we are submitting as exhibits a number of comments already docketed by the CEC as comments on the DRECP.

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Thank you for the opportunity to comment on the IC RETE and DPEIR for the IC RETE.

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Imperial County RETE GPU & RETE DPEIR comments references & exhibits

(Exhibit numbering is a continuation of numbering for exhibits on the IC RETE NOP and IC BEIR comments submitted electronically on 8-22-2014)

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Exhibits

33. Ocotillo-Coyote Wells Groundwater Basin in 1996 "Ocotillo-Coyote Wells Aquifer in Imperial County California Sole source Aquifer Final Determination" Federal Register Vol. 61, No. 176, Sept. 10, 1996 Notice US EPA. <http://www.gpo.gov/fdsys/pkg/FR-1996-09-10/pdf/96-23066.pdf>
34. EPA qrg ssamap ocotillocoyotewells 2001 http://www.epa.gov/safewater/sourcewater/pubs/qrg_ssamap_ocotillocoyotewells.pdf
46. Harmon 2015-01-22 email to County Planning & County Counsel re IC GPU NOP Exhibits submitted as CDs on August 21, 2014 in support of email submission of comments on August 22, 2014.
47. Harmon email to Rood 2015-01-27 Comments on IC BEIR which were included as attachment to same Harmon 8-22-2014 email as comments on NOP for IC Renewable Energy GPU are missing from 27appa-NOP-IS-comments Appendix FWD: NOP for Renewable Energy & Transmission Element, Imperial County General Plan Update and IC Background Environmental Inventory Report with 3 Attachments
48. **Baseline Environmental Inventory Report (ICBEIR)** Draft of June 2014 for Imperial County Geothermal/alternative Energy and Transmission Element Update by Chambers Group, Inc., San Diego, CA. Submitted 8-22-2014 with the comments for the NOA for the RETE General Plan Update 24 pp.
49. January 30 2014 DRECP Alternatives letter from Kevin Emmerich and Laura Cunningham for Basin and Range Watch (to CEC Dockets Office MS-4, Docket No. 09-RENEW EO, "Request for a new Desert Renewable Energy Conservation Plan Alternative")
50. "Special Notice to IID Customers" with its "2015 Electric Retail Rate Increase for "an overall average rate increase of 7.4% effective in January 2015" (IID Special Notice)
51. <http://static1.squarespace.com/static/524fa55ee4b04b668ead159f/t/5250c41fe4b0b9b7feae92a8/1381024799173/Hernandez+et+al.+2014+RSER+Envir+Impacts+of+USSE.pdf> Hernandez, R. R., S. B. Easter, M. L. Murphy-Mariscal, F. T. Maestre, M. Tavassoli, E. B. Allen, C. W. Barrows, J. Belnap, R. Ochoa-Hueso, S. Ravi, and M. F. Allen. 2014. Environmental impacts of utility-scale solar energy. Renewable & Sustainable Energy Reviews 29:766–779.
52. <http://www.motherjones.com/environment/2015/01/valley-fever-california-central-valley-prison> Ferry, D. 2015-01-30. How the government put tens of thousands of people at risk of a deadly disease. If it killed

- politicians instead of prisoners, this illness would be national enemy #1. Mother Jones
- 53 Allen, Michael F., McHughen, Alan: Solar Power in the Desert: Are the current large-scale solar developments really improving California's environment? 2011. <https://escholarship.org/uc/item/2ff17896#page-1> For link to pdf
- 54 http://www.biologicaldiversity.org/news/press_releases/2015/flat-tailed-horned-lizard-02-12-2015.html
Rare desert lizard in California Protected by State: Flat-tailed Horned Lizards have declined for decades, threatened by habitat destruction, off-road vehicles CBD 2015-02-12.
- 55, 21 Cal OSHA info for employers & employees <http://www.dir.ca.gov/dosh/valley-fever-home.html>
- 56 Preventing Work-Place Valley Fever 2013 www.cdph.ca.gov/programs/ohb with links to many articles & fact sheets. <http://www.cdph.ca.gov/programs/ohb/Pages/Cocci.aspx>,
- 57 <http://www.pbs.org/newshour/bb/fungal-disease-proves-tricky-diagnose/> July 6, 2014
- 58 <http://wwwnc.cdc.gov/eid/article/21/1/pdfs/14-0836.pdf> Wheeler c. et al 2015. Rates and risk factors for Coccidioidomycosis among prison inmates in CA, 2011. Emerging Infectious Diseases v. 21 No.1 Jan 2015 Diabetes is a risk factor for severe pulmonary cocci, being African American a risk factor for disseminated disease.
- 59 http://www.newyorker.com/reporting/2014/01/20/140120fa_fact_goodyear?printable=true. "Death Dust: The valley fever menace."
- 60 <http://www.nytimes.com/2013/07/05/health/a-disease-without-a-cure-spreads-quietly-in-the-...> Brown P.L. 2013 "A disease without a cure spreads quietly in the West". NY Times 2013/07/05.
- 61 <http://www.scientificamerican.com/article/u-s-droughts-will-be-the-worst-in-1-000-years1/> Fischetti. 2015 U.S. droughts will be the worst in 1,000 years. Scientific American
- 62 <http://advances.sciencemag.org/content/advances/1/1/e1400082.full.pdf> Cook,B.I. et al. 2015 Unprecedented 21st century drought risk in the American southwest and Central Plains. At Sci.Adv. 2015.1e1400082. Feb. 12, 2015 7pp
- 63 <http://www.smithsonianmag.com/science-nature/western-us-could-soon-face-worst-megadrought-millennium-180954238/?no-ist> Zielinski, S. 2015. The western US could soon face the worst megadrought in a Millennium: Climate models predict that the region will be drier than the droughts that likely caused ancient Native Americans to abandon their pueblo cities. Smithsonian Magazine
- 64 Minute Order of Board of Supervisors approving the Coyote Wells Specific Plan project also known as the Wind Zero Training Facility December 21, 2010.
- 65 Maureen Guth Solar Project Review and Pre-Application notice for solar PV on land zoned residential in Ocotillo-Nomirage Community Area Plan February 2015.
- 66 Pristine Sun and IC DPW materials distributed at Ocotillo Solar pre-App meeting February 19, 2015
- 67 Wind Zero-Coyote Wells Specific Plan Project components by activity, originally submitted as Exhibit 81 for the WZ-CWSP hearings.
- 68 Wind Zero-CWSP project components by phases
- 69 Center for Health, Environment and Justice cover sheet summary of the California Waste Management Board 1994 Cerrell Report on characteristics of communities least likely to oppose Locally Undesirable Land Uses
- 70 Nadler, N. February 20, 2015. For the DRECP Docket. "DRECP NEPA/CEQA Comments for Alliance for Desert Preservation and Mojave Communities Collaborative on the Draft DRECP document and related Environmental Impact Report/Statement." 73 pp.
- 71 Wilken, J. July 17, 2014 "Coccidioidomycosis among solar power farm construction workers - California, 2011-2013" CDPH Presentation on Valley Fever to Imperial Valley Environmental Justice Task Force.

44 slides.

- 72 Comments on DRECP and EIR/EIS by Harmon submitted 2015-02-23 for the DRECP Docket.
- 73 Center for Biological Diversity comments on the DRECP NEPA/CEQA concerns 2015-02-23.
- 74 Powers Engineering comments on the DRECP NEPA and CEQA concerns 2015-02-23.
- 75 Imperial County Environmental Justice Task Force comments on the DRECP and EIR/EIS 2015-02-23
- 76 <http://www.freep.com/story/news/local/michigan/2015/02/23/wind-energy-farms-renewable-bird-bat-kills/23911023/> Matheny, K. 2015-02-23. Blowback: Wind farms run afoul of neighbors, regulators. Detroit Free Press.

References

<http://www.usbr.gov/WaterSMART/wcra/docs/irrigationdemand/WWCRAdemands.pdf> Bur Reclamation 2015-02 West-Wide Climate Risk Assessments: Irrigation Demand and Reservoir Evaporation Projections. Technical Memorandum No. 68-68210-2014-01, 222 pp.

California Public Utilities Code Section 454.5(b)(9) (C)

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=puc&group=00001-01000&file=451-467>

Chambers Group, Inc.. 2014. Draft Imperial County Baseline Environmental Inventory Report at <https://chambersgroupinc.egnyte.com/publicController.do?folderName=20140605&fileName=2JAURGdgeB#folder-link/> (423 pages)

County of Imperial documents are referenced in the body of these comments with links to County websites.

Piechota T. Et al. US EPA Expert Panel Summary 2002 Potential Environmental impacts of dust suppressants: "Avoiding another Times Beach" 107CMB04.Rpt. 03/20/2004 98 pp. Available at: http://digitalscholarship.unlv.edu/sea_fac_articles/233 See also for Expert Panel Summary for LV Nv 5/30-31/2002 EPA/600/R-04/031 March 2004, 107CMB04.RPT 03/30/2004

Combined list of Exhibits for both comments for NOP and on IC BEIR for RETE submitted 8/22/2014.

Exhibits re NOP and IC BEIR for Imperial County Renewable Energy Transmission Ele GPU

- 1. Pelley 2014 June 19. Video recording of General Plan Update Community Meeting in Ocotillo
- 2. PBS documentary on valley fever 2014: KVIE Health series: [Deadly Dust - Valley Fever](#)
- 3. Smith C.E. undated Chapter on Coccidioidomycosis for Dept. of Army <http://history.amedd.army.mil/booksdocs/wwii/PM4/CH16.Coccidioidomycosis.htm>
- 4. http://www.newyorker.com/reporting/2014/01/20/140120fa_fact_goodyear?printable=true. "Death Dust: The valley fever menace."
- 5. Wilken, CDPH 2014 Valley fever outbreak at solar projects in San Luis Obispo County, article to be published soon.
- 6. August 2013 San Diego Reader about problems associated with wind turbines: <http://www.sandiegoreader.com/news/2013/aug/21/cover-wind-turbines-are-everywhere-out-here/>
- 7. <http://abcnews.go.com/Technology/wireStory/emerging-solar-plants-scorch-birds-mid-air-25017031?singlePage=true> Knickmeyer & Locher 2014-08-18 Emerging solar plants scorch birds in Mid-air ABC News. And <http://www.detroitnews.com/article/20140818/SCIENCE/308180048#ixzz3B4yEaYoj>
- 8. <https://www.reviewjournal.com/news/water-environment/bat-deaths-prompt-change-wind-farm>
- 9. "America might soon witness a dust bowl like migration" by Saunders. Business Insider July 27, 2014.