

**LUCERNE VALLEY ECONOMIC DEVELOPMENT ASSOCIATION (LVEDA)**

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(e-mail) – signed hard copy to follow

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Date: 6/13/15

**RE: DEIR SCOPING - LUCERNE VALLEY SOLAR ONE – INFIGEN - ATWELL, LLC - PROJECT NO. 14001141**

Note: Richard Selby and I met with the applicant's representative on site a few months ago. While we appreciate his reaching out to us – we informed him that we would oppose this project based on its location and what transpired across the road at Lone Valley Solar during construction – the same issues affecting this site.

**CONFLICTS WITH CURRENT SOLAR ORDINANCE**

It is our position that the application should NOT have been “accepted” pursuant to the current County Solar Ordinance for the following reasons: (Quotes from the ordinance are abbreviated and generalized).

Fails to “protect character and value of communities/landscape/natural scenic setting”. It's acceptance does not “guide solar energy facilities to areas with fewer environmental and resource conflicts – to less environmental sensitive areas”.

The following “findings” will be difficult or impossible to make for this location:

“Not lead to loss of scenic desert qualities”.

Any argument that this site is “acceptable” because it is adjacent (across the road) to two existing solar facilities is specious and irrelevant because said existing (Lone Valley) solar energy facilities were processed and approved with little or no General Plan or Dev. Code guidance - prior to the adoption of the current ordinance – with our objections - without an EIR even though their impacts have proven to be “significant” under CEQA standards – with said Lone Valley (formerly Agincourt and Marathon) “applications” certainly not “acceptable” under the new ordinance. The availability of capacity in the (now) existing transmission lines along Camprock Rd. allowed Solar One to obtain a Power Purchase Agreement (PPA) – obviously a major siting advantage for the developer – nevertheless should not be a consideration in

making “findings” since the SCE line’s MW capacity was (likely?) intentionally increased over that required for the 2 existing Lone Valley facilities - specifically to allow another such project – proving the cumulative impact assessment that “solar begets solar” – right or wrong. This is a good example of one solar project prompting another one – all BEFORE we know where these projects should be placed – exactly what SPARC and the DRECP are supposed to determine – trumping said plans and the time and funding that went into them. This and other pending applications should be placed ‘on hold’ until said plans are finalized.

“Screened from public view”. Not this site – which (along with its existing neighbor) is visible from almost the entire community – from every direction. Nor does it ‘blend with and be subordinate to the environment and character of the area’. Nor can the location be considered “unobtrusive and not detract from natural features, open space and visual qualities as viewed from.....”

Based on the experience with the existing projects – how can it be found that it “will not adversely affect to a significant degree the availability of groundwater supplies”(per experience with Lone Valley water use) – and certainly not consistent with the Ordinance’s requirement of “minimal site grading” – with the entire site requiring major grading due to slope and topography – and certainly not “maintaining natural vegetation” – instead – wipe it all out (not much choice at this site). This is a major area of natural flow, groundwater recharge area – along with Cushenbury Wash drainage – (where the existing solar plants are located) – with the potential and likelihood of “impeding flood flows ...and modification of natural water courses” – with any disruption in that watershed potentially adversely affecting ground water recharge in an over-drafted, adjudicated basin.

## **EIR SCOPING COMMENTS**

### **Aesthetics**

Definitely “significant” - as stated in the Initial Study and described above per solar ordinance. This project is east of Camprock Rd. – adjacent to the existing 250 acre Lone Valley Solar (formerly Agincourt and Marathon) which already commands that view shed from every site angle including highways. This proposed 200 acre site will totally consume and alter that view shed – in an area that is not suitable for industrial-scale PV for reasons we have expressed many times for both the DRECP and SPARC (County’s Renewable Element) processes.

### **Air Quality**

We reference Lone Valley’s “flying dirt” violations that prompted visits from County Code Enforcement and the MDAQMD – with photos sent to County staff. Construction from Feb. to May is certainly not advisable due to springtime being our high wind period. Dirt blowing off the site will result in violations and likely fines. We suffer from enough PM violations as it is.

Easterly winds can carry dust from this site - once disturbed - into residential areas. What is the method for dust control after construction?

### **Agriculture and Forestry**

Whether used for solar panels or not – and assuming availability of water rights and a source - the best use of the portion of the project site that is covered with wood chips would be for orchard crops – the chips providing a locally abundant soil amendment and cover.

### **Biological Resources**

The EIR will have to cover more than tortoise/habitat impacts. If one had been done for Lone Valley – there would have been ‘significant adverse environmental impacts’ that would have to be dealt with better than they were – likely requiring ‘overriding considerations’ for those impacts that could not be (and weren’t) mitigated.

There is no need to ‘take’ tortoise or its habitat for industrial-scale solar projects when we have identified alternative locations with just about no habitat value for anything but tamarisk bushes and illegal trash dumps. Aside from the impacts listed in the IS – animals displaced from grading and loss of habitat (various species of rodents, snakes, etc.) – as evidenced by comments at this project’s scoping meeting re: what transpired due to the Lone Valley projects – surrounding residents, even at great distances, will be infested with said critters finding their homes and yards the only viable escape. Surrounding habit normally has no carrying capacity for these ‘additional’, displaced animals – thus the softest landing s are buildings, and other developments. So how do you mitigate it? Probably can’t.

Lone Valley ‘advertised’ its Joshua trees for adoption in the S. B. Sun newspaper – which hardly anyone in this region reads – thus had few if any takers – with most destroyed. This is just another example of applicants, developers, contractors AND the County not understanding rural communities and how best to interact with its residents. Bottom line: there should be no industrial-scale RE projects in native desert habitats – especially on the higher slopes with the most variety of diminishing, native desert plant species.

### **Cultural Resources**

If the IS’ considers the portion of the property covered with (illegally deposited) wood chips as “previously disturbed land” – it wasn’t really ‘disturbed’ – just covered over – thus not adversely affecting any cultural resources that might be on the otherwise undisturbed site.

### **Geology and Soils**

The IS’ soil impact analysis is totally deficient. What is the real potential significance? What are the site’s specific soil types - potential for wind/water erosion upon disturbance – grain sizes/types most susceptible to wind erosion (even at wind speeds less than 15 mph)? As more

specifically stated under Hydrology - Lone Valley's flying dirt episodes, with likely the same soil types - well documented with photos prompting Notices of Violation (?) from County Code Enforcement and the MDAQMD – could not be stabilized even with 50 ac' of applied water. And if the site has the same surface/subsurface rocks as the Lone Valley location – panel poles might not be able to be pounded in – requiring drilling/augering – resulting in more disturbance.

### **Greenhouse Gas Emissions**

The IS totally ignores recent studies and reports re: the unique constituents in both native desert plants and soils (especially caliche) that sequester carbon – more so than in other soils – which when disturbed – not only release said carbon – but lose the ability to absorb it. What is the project's net benefit/detriment re: 'climate change'? Could be 'significant' even if just a wash.

And – the net impact from material construction and transport – including water hauling. What is the point in the project's operation that it really passes the "GREEN" test?

### **Hydrology and Water Quality**

Lone Valley's construction water use was approximately 50 acre feet – about 20 less than what project reps. have informed us it needed due to not enough water being applied during initial grading stages which resulted in significant sand blow – with a plume extending almost a mile off site – prompting notices of violation from Code Enforcement. Solar One has the same terrain, soil types, grading requirements – therefore water use projection should be closer to 70 acre feet – not the stated "50". And what is the source – and when determined? Lone Valley only could obtain 10 acre feet of (non-potable) state water from Mojave Water Agency's Morongo pipeline traversing the local area – with the rest from a farm requiring long distance hauling - almost 40 acre feet of potable water from an overdrafted, adjudicated groundwater basin. Even if this project can obtain construction water from Big Bear's (BBARWA) wastewater facility close to the site – it would reduce the amount of irrigation water available for the ag. fields on Camprock Rd. – resulting in less production, financial loss to the lessee, more possible following and wind erosion. Lone Valley's water source (from the farm) was approx. a 14 mile round trip – on roads not built for such heavy and numerous loads. This is a major issue for this EIR and the project. Untreated state water from MWA's pipeline is obviously the best source – if and when available – depending on State Project water allocations to MWA.

As did Lone Valley – the site will require tremendous amounts of grading – not just a dust issue – but it is within the watershed/washes that percolate mountain runoff into our over drafted groundwater basin – the primary area of natural water recharge critical for the 'Lucerne Basin' north of the Helendale Fault. The panels' impervious surfaces, even minor diversions of natural washes, accelerated volumes of flows, etc. that impede percolation could cause downstream flooding and evaporation – not percolation. The requirement that the native runoff from the site – plus an additional 10% - be captured and percolated on site could be a slight net benefit if

it works – but seldom does in the real world – just adds additional flows downstream. Any loss of natural percolation from flood flows into our groundwater basin due to this project is obviously unacceptable. (This should be marked as “potentially significant” in the IS). It will be interesting to see if Lone Valley’s hydrology/flood control/etc. facilities operate as planned and required. A good summer monsoonal will be the test – and certainly watched and documented by downstream residents – especially in the Russell (housing) Tract.

### **Land Use and Planning**

The IS’ impact categories are too limited to adequately reflect the Lucerne Valley Community Plan’s land-use goals and objectives – maintaining our rural, open space environment - maintaining our custom and culture. The Ordinance’s allowance of industrial-scale solar projects in all most all zones/districts induces applications for projects where they don’t fit – where their impacts are too significant, etc. The site’s LV/AG zoning was primarily intended for ag. uses – not industrial. The reference to the proximity of the existing Lone Valley plant – as stated above – does not reflect the fact that said project was processed and approved prior to the current ordinance – with little or no direction from the General Plan or Dev. Code – the wrong project in the wrong place – and should not be an argument that solar next to solar automatically constitutes land-use consistency. This is why we have proposed a large area in the center of the valley where industrial-scale PV solar would be acceptable – and should be specifically zoned for it.

### **Noise**

Noise from axis trackers (if utilized) should be assessed and quantified. Residents adjacent to Lone Valley Solar have been adversely affected by noise from those sources.

### **Public Services**

Security personnel should be on site 24/7 during construction to reduce/eliminate omnipresent metal theft and vandalism – which plagued Lone Valley (likely even with security on site) – and not diverting County Sheriff’s deputies from more pressing health/safety duties and calls.

Assuming road maintenance is a “public service” – the EIR needs to assess the project’s impacts on County maintained roads (specifically Camprock Rd.) from numerous and heavy truckloads for construction and water hauling. Except for minor amounts of fuel (if any) purchased in the local area, minimal tax revenue will be generated for local roads. And, unless the project’s generation of electricity for SCE constitutes a “sale” (DOES IT?) – it won’t generate sales tax for roads under County Measure I.

### **Transportation/Traffic**

The IS shows (d) as ‘potentially significant’ – yet the analysis does not substantiate it? Needs an explanation.

## **Utilities and Service Systems**

Re: “water supplies” – see above comments.

## **Mandatory Findings of Significance**

Said findings will be difficult or impossible to make – especially in light of the alternative locations that we have presented to both the County and applicant – where many projects could be located – many MWs generated - and where impacts would be minimal.

## **Cumulative Impacts**

This section of the EIR will be heavily scrutinized for adequacy in relating this and other projects to the above listed impacts. Will the applicant post a bond for decommissioning/site reclamation?

## **Socio-Economics/Environmental Justice**

Industrial-scale solar is so heavily subsidized – few (usually non-local) permanent workers are required – solar facilities being exempt from property tax that would otherwise go to County Service Area 29 (Lucerne Valley) – thus we receive no real economic benefit. In fact – these projects constitute an economic detriment. We assume that non-local, union workers will be employed for construction since the IBEW hasn’t chimed in on “what’s wrong with the project” – which of course becomes “support of the project” when construction contracts include them.

Lucerne Valley is designated by the State as an “Severely Economically Disadvantaged Community”. We can’t afford to tie up any ground that could be used for economically beneficial uses that could generate local jobs and revenue. (Note: The physical and environmental characteristics of our proposed alternative site preclude just about any land-use other than ‘impaired open space’ or solar PV facilities). This project – in tandem with the existing one across the road - all the others proposed in our area (some likely in process – some on hold) – the DFA’s that the DRECP smothered us with – all indicate we have a “Environmental Justice” issue we need to deal with.

Evidence exists – empirically and from a report (Miller) we recently submitted to the County – that these projects not only devalue adjacent/surrounding residential properties – but also vacant parcels that are ‘tainted’ by proximity to the solar site. It’s not only a matter of devaluation – but the inability of owner to even sell it – at whatever price. While residential uses are thusly discouraged – values of properties adjacent to existing solar facilities can get inflated for buyers for another solar plant – who in turn can probably pay the price (with all the subsidies) – thus contributing to the fact that ‘solar begets solar’.

## Alternatives

We visited “our” alternative location with Infigen’s reps. – and appreciate their willingness to do so. With our likely support - Infigen could pursue the 6-7 square mile area in Lucerne Valley that we have mapped and submitted to just about everyone and entity involved with Renewable Energy – the only suitable location in our area for industrial-scale PV – out of site – poor quality groundwater – flat and requiring no grading – screened with existing tamarisk trees - with site conditions precluding/hampering residential or agricultural uses - within an existing SCE transmission corridor – and not much good for anything else.

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Please keep us informed of every action/document/etc. associated with this project. We know the County is obligated to process these applications – but for reasons expressed above – the County should adopt a program that places these applications ‘on hold’ - or better yet - denied until we have the Renewable Energy Element and “Industrial Scale PV Zoning” in place.

Why are we all going through this when no EIR would be required for our alternative location – and which we would support? We, County LUS, Supervisor reps. and the applicant need to meet and have a serious discussion.

