June 30, 2017

By Email: John.Oquendo@lus.sbcounty.gov
Mr. John Oquendo, AICP
Senior Planner
San Bernardino County Land Use Services Dept.
15900 Smoke Tree Street Hesperia, California 92345

Re: Notice of Preparation of a Draft EIR and Scoping Meeting re the Ord Mountain Solar Project (#P2016005610/CUP) (the "Proposed Project")

Dear Mr. Oquendo:

We are a coalition made up of the following community groups, businesses, agencies and individuals: Lucerne Valley Economic Development Association (LVEDA), Johnson Valley Improvement Association, Homestead Valley Community Council, Oak Hills Property Owners Association, Newberry Springs Economic Development Association, Flamingo Heights Community Association, Morongo Basin Conservation Association, Church of Our Lord and Savior (Lucerne Valley), Lucerne Valley Market/Hardware, Alliance for Desert Preservation ("ADP"), Lucerne Valley Museum and History Association, Mojave Communities Conservation Collaborative, Jack Harris, Regino Pitones, Jerry Cummings, Barbara Cummings, Brian Hammer, Sue Hammer, Donna R. Betz, Judy Wakefield, Sarah McKee, Renee Lynn, Ron Arnold, John W. Buchanan, Natalie M. Buchanan, Jai Hoon Yoo, Michael Ware, Amy Ware, Debra Goss, Bradley R. Hicks, Dennis Morrison, Brenda P. Hicks, Robert Buxton, Patti Riddle, Mark Riddle, Barbara M. Riddle, Bobbie Perrin, John Kenmuir, Bonnie Lott, Amanda Starn, Kymberly Starn, Kelly Medici, Brad Medici, John Medici, Robert Huntsman, Brett Watkins, Neville Slade, Jim Harvey, Pat Flanagan, Ruth Rieman, Marina West, Jeffrey LaGrange, Barbara LaGrange, John Smith, Barbara Smith, Jean Magee**,** Aaron Idouchi, Barbara Idouchi, John Jones, Bobbie Jones, Linda Morrison, Wayne Morrison, Tim Norton, Jody Norton, Randall Smith, Deborah Myers, Owen Myers, Kathryn Anema and Bryan Baker. Together, we represent a broad spectrum of residents, businesses, organizations, recreationists and conservationists in the High Desert of San Bernardino County.

In response to the above-referenced Notice of Preparation, and pursuant to the California Environmental Quality Act, our coalition is submitting written comments on the scope and content of the Draft Environmental Impact Report ("DEIR") that San Bernardino County (the "County"), as lead agency, will cause to be prepared with respect to the Proposed Project. In providing these written comments, we have been guided by the Initial Study ("IS") prepared by Michael Baker International with respect to the Proposed Project, the purpose of which was, according to the aforesaid Notice of Preparation, to "refine the scope of the EIR, identify resource areas that will be eliminated from further analysis, and to solicit public input on the scope of the EIR." We reserve the right to make other and further comments regarding scoping in subsequent correspondence and at any other public scoping meetings concerning the Proposed Project.

1. The DEIR Must Include a Complete and Comprehensive Assessment as to the Extent to which the Proposed Project Would Conflict with the Planning Goals and Policies Enunciated by San Bernardino County.

According to California Code of Regulations Section 15125(d), an "EIR shall discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans." More specifically, according to Item X(b) of Pa. G to the CEQA Guidelines, EIRs must address the following question: "[does the proposed project] conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?"

The IS concludes (at p. 70) that the Proposed Project would have a "less than significant" impact on any applicable land use plans, policies and regulations because "the current [San Bernardino County] General Plan Land Use Element designation for the proposed solar and energy storage project area is Agriculture (AG), which allows development of electrical power generation with a CUP (Development Code Section 85.06)." The IS also states that the siting requirements of the County's 2013 solar ordinance would be considered ". . . during the review and CUP application process."

But the IS did not give any consideration to the land use policies and goals stated in:

(1) the February 17, 2016 Resolution of the County's Board of Supervisors (the "Resolution"), which designated five sites -- which are seriously degraded, away from Lucerne Valley and other population centers, and relatively close to existing transmission – as the only places that utility-scale can go, subject to the project's otherwise satisfying the County's criteria;

(2) the "County of San Bernardino Position Paper on the Draft Desert Renewable Energy Conservation Plan," dated February 3, 2015 (the "Position Paper"), in which the County stated that the communities of Lucerne Valley, Newberry Springs, Stoddard Valley, Johnson Valley and Apple Valley are not appropriate for Development Focus Areas ("DFAs"),

which are places in which the DRECP would allow utility-scale renewable energy projects to be established;

(3) the Renewable Energy and Conservation Element ("RECE") for the County's General Plan, which the County is now in the process of adopting; and

(4) the Lucerne Valley Community Plan, which is part of the County's General Plan in its current form. It expressly prohibits commercial development that would destroy the region's rural desert character.

In order to comply with Section 15125(d) of CEQA, the DEIR's conflict analysis will have to specifically address the inconsistency between each of the above-referenced preservation-oriented land use policies and goals and the Proposed Project. In order to pass muster under the CEQA – and in view of the fact that the proposed 60 MW, 484-acre utility-scale solar project (and pendant Calcite substation) would industrialize a large portion of Lucerne Valley – it is especially crucial that this analysis be forthright, in-depth and meaningful. Skirting the entire issue the way the IS did will not do the trick by any means.

A. <u>The Resolution</u>.

In the Resolution – which is entitled "Establishing the County's Position" -- the County's Board of Supervisors designated five sites -- which are seriously degraded, away from population centers, and relatively close to existing transmission – as the only places that utility-scale can go, subject to the projects otherwise satisfying the County's criteria. The Resolution was adopted by a unanimous vote.

The Proposed Project would not be located in or near any of the five designated sites.

In selecting those areas most amenable to utility-scale projects, the Board of Supervisors gave attention to such important factors as close access to transmission, no adjacent human communities and the prevalence of severely degraded biomes. The Supervisors quickly eliminated Lucerne Valley and the other North Slope communities because of high conflicts with these factors. The Supervisors were further guided by these two sets of maps:

(1) a map included in Kristeen Penrod's (SC Wildlands) "California Desert Connectivity Project" (Penrod et al. 2012) – which is lauded in the draft DRECP as providing "a comprehensive and detailed habitat connectivity analysis for the California deserts" (App. Q (Sections 3.4.1 and 3.4.2)) – depicting the "Desert Linkage Network," upon which is overlaid the Desert Tortoise TCA Habitat Linkages (as prepared for the DRECP by the USFWS -- one of the four state and federal agencies sponsoring the DRECP). These combined linkages reflect the interconnections between individuals of a species and among species, with a focus on how they

subsist, migrate and procreate over time as part of a desert knit together by connectivity corridors as a living, breathing biome[1]; and

(2) DRECP Databasin maps showing: (a) the DRECP's DFAs, Variance Lands and Unallocated Lands overlaid on the Desert Tortoise TCA Habitat Linkages; (b) the ACECs (Areas of Critical Ecological Concern) and NLCS (National Landscape Conservation System) areas under the DRECP where utility-scale would be prohibited; (c) Overdraft Groundwater Basins in the County; (d) Conservation Values; (e) Special Recreation Management Areas/Extensive Recreation Management Areas; and (f) existing transmission.

Those maps – and the fact that Lucerne Valley, Apple Valley, Johnson Valley and Morongo Basin, among others, host well-established towns and dispersed desert rural communities[2] that would be negatively impacted by industrial-scale renewables (among many other considerations, utility-scale facilities like the Proposed Project draw from already overdrafted groundwater basins) – compelled the conclusion, through a simple process of elimination, that the County's north and eastern slope valley areas must be kept off-limits to such large-scale development; they also confirm that there are highly degraded, transmission-adjacent, former and current industrial, mine and brownfield sites further north -- near Trona, Hinckley, North of Kramer Junction, El Mirage and Amboy -- where such development could be permitted, i.e., the five sites designated in the Resolution.[3]

The County's above-referenced valley areas, including Lucerne Valley, have a very unique and precious, yet extremely fragile, attribute that provides a high quality of life for their residents (and that makes them such appealing places to visit and, hence, such a boon to the tourist industry): they host well-established, dispersed desert rural population clusters that thrive amid functioning desert sub-ecosystems, which, in turn, are part of the largest intact biome in the western states, i.e., the Mojave Desert. If this harmonious convergence of human and natural communities were to be allowed to disappear, it would be gone forever. So the County stepped

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[1] Ms. Penrod prepared a report for ADP – which embodied her comments on the draft DRECP – that expanded this linkage network. Among other things, her report demonstrates that almost all of Lucerne Valley should be protected from large-scale development as part of a far-reaching wildlife linkage network integral to connecting the intact landscape block of the San Bernardino Mountains with the desert region to the north.

[2] An appreciable portion of Lucerne Valley remains zoned for "agriculture," but it is now used primarily for rural residential purposes. "Rural Living" zones make up about 50% of the area, while "Resource Conservation" districts make up about 21% of the area (these figures come from the Lucerne Valley Community Plan).

[3] The five sites also have the virtue of being located: (1) over ample groundwater supplies (moreover, the groundwater underlying the Trona, Hinckley and Amboy sites is non-potable, and can only be put to industrial uses); (2) outside of any military flight corridors; (3) on land that has a flat enough gradient to host utility-scale solar development; and (4) away from communities affected by utility-scale development.

in to protect this irreplaceable community resource through the Resolution, as well as by way of its Position Paper and RECE (as will be discussed below).

The DEIR will need to address in depth the obvious and unavoidable conflicts between the Proposed Project and the County's planning preferences and priorities, as expressed in the Resolution.

B. The Position Paper.

The Resolution was not the first time that the County has articulated its foremost values and priorities in terms of siting large-scale renewable projects. In the "County of San Bernardino Position Paper on the Draft Desert Renewable Energy Conservation Plan," dated February 3, 2015, the County stated that the communities of Lucerne Valley, Newberry Springs, Stoddard Valley, Johnson Valley and Apple Valley were not appropriate for DFAs, which are places in which the DRECP would allow utility-scale renewable energy projects to be established.

In issuing its Position Paper, the County was clearly seeking to protect the human and natural communities of its east and north slope valley regions by putting them off limits to industrial-scale development, which directly conflicts with the desire of the project proponent to develop an enormous 484 acre utility-scale facility in the heart of Lucerne Valley. In order to comply with CEQA, the DEIR will have to analyze this conflict.

C. The RECE.

The IS readily concedes that the Proposed Project conflicts with the RECE, but contends that, because the application for the Proposed Project was submitted to the County's Land Use Planning Department prior to formal enactment of the RECE – the RECE, which has been approved by the County's Planning Dept., will go before its Board of Supervisors for formal approval on August 8, 2017 – the Proposed Project has been "grandfathered" in such that the RECE holds no sway over it. This is incorrect. The project proponent did not, merely by filing an application, exempt itself from the RECE -- by the time the DEIR comes out, there will very likely be an RECE in place that confines utility-scale projects to five specific areas in the County, none of which are in, or near, Lucerne Valley (this point will be further discussed below).

But, even if the Proposed Project could be considered to be "grandfathered" in, the DEIR would still have to address the conflict between the Proposed Project and the policies and goals – the "core values -- reflected in the pending RECE, especially given that they embody a hard-won, all but set-in-concrete consensus between the County's populace and its governing bodies, one that was forged over many arduous years of public meetings – in the Countywide SPARC, REVEAL and Community Plan processes -- regarding how the County's planning vision should

be cast.[4] This is confirmed in the discussion appended to subsection (d) of CEQA Regs. 15125, which states, in relevant part – while referring to regional plans developed "as a way of dealing with large-scale environmental problems" -- that "[w]here individual projects would run counter ***to the efforts identified as desirable or approved by agencies in the regional plans***, the Lead Agency should address the inconsistency between the project plans and the regional plans." (Emphasis added.)

The policies and goals embodied in the RECE are discussed below.

The RECE, which prominently mentions the Resolution as its guiding principle when it comes to locating utility-scale projects, clearly evinces an intention by the County to foster community-oriented solar and to all but ban further utility-scale solar projects. In so doing, the RECE cites the many virtues of community-oriented solar: it promotes energy independence, reduction of the need for new transmission, the sustaining of sensitive natural resources and habitats and local economic growth. In that regard, the RECE promotes as a primary "core value" the need to maintain a "high quality of life for residents of the County," as well as the need to bar renewable energy projects that "substantially conflict with surrounding land uses, especially existing communities or residential areas where residents object to the visual character of RE projects."

Reflecting the County's strong bent against utility-scale generation, the RECE sets out strict siting criteria for such facilities; in fact, they are so strict --- when it comes to areas like Lucerne Valley – that they *de facto* banish utility-scale projects from them. RE Policy 5.2 of the RECE, as well as Policy 5.4, strongly encourage utility-scale generation on the five areas identified in the Resolution. Policy 5.4 makes it clear that utility-scale development elsewhere will be required to meet a higher standard of evaluation for appropriate site selection, and that a "two-step application process" will be required in order to evaluate site selection early in the process. If the Proposed Project application were run through that two-stage process, it would never pass the first stage in view of the RECE's stringent site selection criteria.

The lands surrounding the Proposed Project site host a well-established desert rural community, as well as scientifically-recognized wildlife corridors that are also acknowledged by our federal and state governments. Among other things, the area is considered core golden eagle habitat for the western Mojave Desert. It is a natural desert setting inhabited by, among other things, the climax vegetation for the area -- mostly salt bush (*atriplex canescens*) -- which

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[4] To show just how far we have come in reaching this consensus, one need only look at the County's February 24, 2015 Renewable Energy and Conservation Element Framework: Purpose, Values and Standards, which commenced with the ominous assertion that the State's renewable (RPS) energy mandates have "major implications for [the County] and its people." The Framework's basic thrust was that, in order to comply with those mandates, vast areas of the County would -- subject to some ameliorating siting standards -- have to be sacrificed to utility-scale development. By way of contrast, the RECE calls for confining them to five specified fairly remote areas (again, this point will be discussed below).

provides habitat and foraging zones for a host of threatened species (as will be more fully discussed below in Section 2).

The siting of the approximately 500-acre Proposed Project, and Calcite substation, would compromise the County's above-referenced "core values." If utility-scale renewable energy projects are allowed to invade a rich and living desert biome like the one at hand[5], a welter of renewable energy projects could be ushered in that end up being inimical to the letter and spirit of the goals and policies stated in the RECE. And piecemeal, inconsistent renewable energy development could ultimately defeat the central purpose behind formulating the RECE, which is to create and implement a comprehensive planning vision for renewable energy development that serves the needs of all businesses and residents of this County.

The DEIR must include an assessment of the degree to which the Proposed Project (and Calcite substation) would conflict with the policies and goals stated in the RECE. This consistency analysis will obviously have to go much farther than the one found in the IS. Fundamental to a meaningful conflict analysis will be the following over-arching principle in the County's land use regime: in view of the harm that industrial operations (like the Proposed Project and Calcite substation) visit on the visual integrity, economy, social ecology and environmental health of rural residents, they do not make good neighbors.

D. <u>The Lucerne Valley Community Plan</u>.

The IS makes no reference to the Lucerne Valley Community Plan (the "Community Plan"), even though it is part of the current version of the County's General Plan.[6]

The Community Plan identifies: (1) as "Unique Characteristics" (LV1.3.1) that "Lucerne Valley offers a rural lifestyle, characterized by the predominance of large lots, limited commercial development and the prevalence of agricultural and animal raising uses in the area. The desert landscape and natural resources further define the rural character of the community;" and (2) as a chief concern (LV1.3.2) of residents that growth pressures will "threaten the features of their rural community," including its "natural beauty [which is] characterized by an abundance of open space and scenic vistas . . ."

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[5] Policy 5.2 also contains a catch-all category for "other sites proven by a detailed suitability analysis to reflect the significantly disturbed nature or conditions" of the specific land types enumerated in Policy 5.2, i.e., waste disposal sites, mining sites, airports, etc. But, as indicated above, the lands comprising the Proposed Project site do not begin to resemble heavily degraded lands of the type listed, so the DEIR would have to explain why the Proposed Project would qualify under the catch-all category (or acknowledge that it would not).

[6] According to the Lucerne Valley Community Plan, it is "an integral part of the overall General Plan," and it is "to provide goals and policies that address the unique land use issues of the Community Plan area that are not included in the Countywide General Plan."

Further, as one of its primary "Community Priorities," the Community Plan specifies (LV1.3.3) the need to "[r]etain the rural character of the community by maintaining low density residential development and ***commercial development that serves the needs of local residents***" (emphasis added); as well as the need to maintain (LV/LU 1.1) "***strict adherence*** to the Land Use Policy Map unless proposed changes are ***clearly demonstrated*** to be consistent with the community character" (emphasis added).

The DEIR must analyze the conflict that the Proposed Project and substation would have with the Community Plan. Such an assessment is particularly important given that the two projects would represent an abrupt and pronounced departure from the rural desert character of the surrounding area and would incrementally advance the industrialization of the desert, all of which would encourage further consumption of irreplaceable, community-defining natural open space and scarce resources like water.[7]

2. The DEIR Must Not Ignore, as the IS Has Done, the Science Demonstrating that the Proposed Project Would be Located in Recognized Wildlife Corridors and Where Protected, Special Status and Covered Species Are Present.

The IS concedes, as it must (at p. 46), that the Proposed Project would have potentially significant impacts on biological resources. Among other things, the "potentially significant impact" box is checked on the IS next to the question: "[w]ould the project [i]nterfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?"

But nowhere in the IS is there any mention of the fact that the Proposed Project and substation would most certainly interrupt established wildlife habitat connectivity linkages recognized by the DRECP and SC Wildlands, including critical north – south linkages between the San Bernardino Mountains and the Ord Mountains. The IS discounts this by heavily relying on the discredited notion that, since the location once served agricultural needs, it is now a "disturbed" site and thus plays no part in keeping biomes whole and healthy. In that regard, the IS states (on p. 47) that:

> "Historical agricultural practices have removed the natural vegetation communities, limiting the quality and availability of habitat for wildlife. The land use (transportation, residential, and agricultural) of areas adjacent to the project site also limit the value to wildlife of the habitat in the vicinity."

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[7] The IS reflects that the Proposed Project would require enormous volumes of water for its construction, maintenance and operations, and that it is anticipated that the water may have to be trucked to the site, which raises a real issue as to whether essential services would be available to support the Proposed Project. Water issues will be discussed further *infra*.

The IS goes on to grudgingly agree, nevertheless (on p. 47), that "this topic will be analyzed further in the EIR." But the method that the IS proposes for addressing it -- "biological observations would be conducted to determine if the project site and adjacent off-site areas act as significant linkage areas" (p. 47) – would be of such limited scope and effectiveness that it would almost certainly fail to identify something as nuanced as regional wildlife connectivity patterns. And myopic biological observations – which would amount at most to a "snap-shot in time" species census of the proposed project site only (and maybe some adjacent lands) – would be entirely superfluous given that there already are published *long-term, regional scientific* studies that have already been undertaken by nationally-recognized authorities on biological connectivity in the Southern California deserts. In point of fact, the on-site wildlife census proposed by the IS would not have even a fraction of the value of the published connectivity studies, which will be discussed in the following paragraphs.

As mentioned above, the Proposed Project would be located directly between – and very close to -- the Granite Mountain and Ord Mountain ACECs (which are "Areas of Critical Environmental Concern," as designated by the DRECP in the BLM LUPA), where it would, in conjunction with a Calcite substation, all but occlude the mouth of a fairly narrow valley separating those two mountain ranges.

As such, the Proposed Project and substation would be located within scientifically-recognized -- and federally and state-sanctioned -- wildlife corridors and linkages, and in close proximity to extremely sensitive habitat where state and federally listed Special Status Species and covered species are present and/or very close by, such as bighorn sheep, desert tortoises, golden eagles and Bendire's Thrasher. The area is considered core habitat for golden eagles.

These facts are confirmed by the following nationally-recognized scientific studies and maps:

1. Ms. Penrod's above-referenced (SC Wildlands) "California Desert Connectivity Project" (Penrod et al. 2012), which depicts the "Desert Linkage Network;"

2. Ms. Penrod's report for ADP, which embodied her comments on the draft DRECP, expanded the linkage network depicted in the above-referenced publication, and demonstrates that almost all of Lucerne Valley should be protected from large-scale development as part of a far-reaching wildlife linkage network integral to connecting the intact landscape block of the San Bernardino Mountains with the desert region to the north;

3. "Desert Bighorn Sheep Intermountain; Unfiltered Core Habitat, DRECP" map, prepared by the California Dept. of Fish and Wildlife,[8] which are considered to

[8] This map, and the others referred to below in this section, are datasets on the DRECP Data Basin, and can be accessed through DRECP.databasin.org.

have a "Very High" to "Moderately High" habitat on the Granite Mountain and Ord Mountain ACECs, which are adjacent to the Proposed Project site (the "Very High" habitat is located within three miles of the site)[9];

4. "Golden Eagle Nest Occurrences, DRECP map" (prepared by the California Dept. of Fish and Wildlife) and "DRECP Species Distribution Map for Golden Eagles, DRECP map," prepared by Conservation Biology Institute (CBI), which confirm that there are ten nests within five miles of the Proposed Project site, four or five within three miles of it, and 55 nests within ten miles of it;[10]

5. "Wildlife Allocation (WA) and Areas of Critical Concern (ACEC) Designations, DRECP and Final EIS, LUPA, Final map, prepared by the California Energy Commission, the BLM, the California Dept. of Fish and Wildlife and U.S. Fish and Wildlife Service;" and

6. "Desert Tortoise TCA Habitat Linkages, DRECP" map, prepared by the U.S. Fish and Wildlife Service. Also the USFWS has done an extensive study of desert tortoise linkages in the Ord-Rodman area, and identified the valley area as vitally important to maintaining intact linkages.

Bighorn sheep, golden eagles, desert tortoises and Bendire's Thrasher are not the only species that would be impinged upon by the Proposed Project and Calcite substation. According to the DRECP Data Basin, the following species have a very suitable habitat there or are known to have a presence: (1) Le Conte's Thrasher; (2) Kit Fox; and (3) American Badger. Each of

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[9] The IS makes some extremely under-informed statements, such as that the "site is devoid of … sensitive natural community identified by CDFW or USFWS. " In fact, the CDFW has stated that the two ACECs adjacent to the Proposed Project site constitute "Very High" to "Moderately High" habitat for desert bighorn sheep.

[10] Golden eagles (*aquila chrysaetos*) need ample foraging areas around their nests, and the Proposed Project, along with a Calcite substation, would markedly reduce such areas and threaten their survival. According to the Conservation Biology Institute and the California Natural Diversity Database (CNDDB) – which is a product of the California Department of Fish and Wildlife's Biogeographic Data Branch (BDB) – a foraging area with a ten-mile radius (from a given nest) is required. (The CNDDB is a computerized library of the status and locations of California's rare species and natural community types, and includes in its data all federally and state listed plant and animal species that are species of special concern or considered "sensitive" by government agencies and the conservation community, as well as candidates for such status.)

The referenced DRECP map was created by merging the DRAFT__BRC__EagleNest__Data and Golden Eagle__DFG layers provided by the BLM. This data reflects nest locations recorded by various state agencies and their contractors during, among other time periods, 2008, 2010 and 2012.

these special status species is present within three miles of the Proposed Project site. The Proposed Project site is in a moderately high-value "species stack" for eight to ten special-status species according to a DRECP Data Basin Map entitled "Covered Species Stack."

The referenced data and maps, and particularly Ms. Penrod's reports, make it clear that the desert region surrounding the Proposed Project site is an intact, living and breathing biome that emphatically deserves the County's protection, and that there will be dire environmental consequences if wildlife is kept from using natural features -- like the valley between the Granite Mountains and the Ord Mountains -- for passage, forage and living habitat.

But, with the Proposed Project located on the east side of Hwy. 247, and a Calcite substation situated just west of the highway, critical wildlife corridors running through the fairly narrow valley between the Granite Mountains and the Ord Mountains (and the ACECs that they host) would be substantially occluded, as would inter-mountain wildlife movement between the Granite Mountain and Ord Mountain ACECs. Hence the development of large utility-scale projects and transmission there will potentially eliminate and render non-functional the wildlife linkage for northern Lucerne Valley, as well as the critical linkage between the Granite Mountains and the San Bernardino Mountains. It is an unfortunate truism that, if you break one link in the connectivity chain, the whole chain falls apart.

The Proposed Project site is also a particularly bad place to construct a utility-scale facility and substation because, as will be discussed below in Section 4, they would be located in an area where there is a confluence of high wind erosion potential and erosive soils. Disturbance of topsoil on the 500-acre site, and destruction of vegetation that would otherwise anchor it, would produce a great deal of dust – dust that would essentially eliminate a large foraging area for a number of special status species (including birds and bats) in the surrounding area outside of the Proposed Project footprint, according to Garry George of Audubon California.

As discussed below in Section 4, blowing dust has, unfortunately, been a frequent by-product of utility-scale projects in the County.

Glare coming off vast arrays of solar panels would also affect bird and bat species in the area, as would noise emitted by the Proposed Project during construction, maintenance and operation. As noted above, the area is extremely quiet (readings of 22 decibels are not unheard of), and that quiet would most certainly be shattered by the construction, maintenance and operation of an industrial-scale project.[11]

To summarize, in light of the confluence of factors cited above, the desert habitat surrounding the Proposed Project site is just about the last place a large industrial generation facility should be constructed and operated in the County's deserts. This, and the fact that a Calcite substation would invite a parade of additional nearby utility-scale and transmission

[11] The dust, glare and noise, and the visual blight created by the Proposed Project, would also damage the human communities in and around the Proposed Project area.

projects, create a number of extremely troubling consequences in terms of "Biological Resources." If the dismissive attitude toward these issues displayed in the IS is carried over into the DEIR, then it is going to be seriously flawed.

In order to comply with CEQA, the DEIR must analyze each of the highly significant impacts mentioned above and carefully consider all alternatives.

3. The DEIR Must Address the Manner in Which the Proposed Project and Substation Would Conflict with the MSHCP and NCCP Being Jointly Developed by the County and the Town of Apple Valley.

In response to the question – "[w]ould the Project conflict with any applicable habitat conservation plan or natural community conservation plan?" -- the IS states (at p. 72): "No Impact." This sentiment is echoed on p. 48 of the IS.

But this assertion is incorrect. In reality, the proposed Calcite substation – the establishment of which is a prerequisite for the Proposed Project -- would be located in a Multiple Habitat Conservation Plan ("MSHCP") and Natural Community Conservation Plan ("NCCP") being jointly developed by the County and the Town of Apple Valley (the "Town").[12] Hence the substation would conflict with the MSHCP and NCCP.

Moreover, the MSHCP and NCCP, and their design overlays -- the overlays are based on science developed at the landscape level, as well as from local, boots-on-the-ground surveys -- were designed to link up with and complement adjacent, vital wildlife corridors and habitats (for, among other animals, bighorn sheep, the golden eagle and desert tortoise) which run through the Proposed Project site. The Proposed Project would, by completely occluding these linkages and habitats, impinge on, and conflict with, the habitat design embodied in the MSHCP and NCCP.

There will in fact be very real conflicts with the MSHCP and NCCP, and the DEIR must address them thoroughly.

4. The DEIR Must Independently Assess the Contention that the Proposed Project Can Be Built Without Substantially Disturbing On-Site Vegetation and, in Determining the Amount of Fugitive Dust It Would Emit, the DEIR Must Require On-Site Monitoring.

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[12] The Town has been proactive in publishing its plans and the underlying data, including the submittal to the DRECP of detailed scoping, protest and comment letters going back to 2011. Moreover, the Town, as the lead agency, has been developing and ground-truthing this plan for at least six years, and, at this point it is a highly evolved, very detailed plan.

The IS acknowledges (at p. 52) – in response to the question: "[w]ould the project [r]esult in substantial soil erosion or the loss of topsoil?" – that it would have a "potentially significant effect." But the IS soft-pedals this in the discussion (on p. 52) that follows:

> "[n]o substantial vegetation removal would occur for the installation of the proposed project. It is expected that vegetation would be cleared for the footprints of the individual tracker units, but those would be situated above the ground at a maximum height of approximately 6 feet. This allows the retention of some of the vegetation on site, which would reduce wind speeds near ground level and result in less erosion."

The DEIR must thoroughly and independently examine the highly dubious proposition that a quarter of a million solar panels (and a substation) could be constructed with such exquisite care that the only vegetation cleared, or grading needed, would be for the tracker poles' foundations. Construction work on the massive scale proposed – by 150 workers per day (IS, p. 12) for the Proposed Project and 90 workers per day on for the substation (p. 26) -- using heavy equipment across some 500 acres – would inevitably destroy much more vegetation than that, vegetation which is located on desert lands that are notorious for being easily scarred and slow to heal. Regardless of the developer's stated intentions, the Proposed Project site would wind up denuded and subject to serious erosion from pervasive desert winds.

Even if, as the IS contends, some native vegetation could be spared from the bulldozer, it would have to be cut back and otherwise disturbed to such a degree that its long-term survival would be highly questionable. This is so, in part, because much of that vegetation – which includes salt bush (*atriplex canescens*, a climax plant species for the area) – has a height significantly greater than the minimum eighteen to twenty-four inches needed for solar panel clearance. The IS itself acknowledges (at p. 14) that "[d]uring construction of the solar and energy storage facility, ***it is expected that <u>most</u> of the vegetation would be cut, trimmed, or flattened as necessary***, but otherwise undisturbed so that reestablishment is possible." (Emphasis added.) While revealing, the quoted sentence contains obvious double-speak. How could vegetation that has been systematically slashed and trampled come out undisturbed? The notion that this highly vulnerable vegetation would readily bounce back from sustained abuse of this sort is nothing more than a pipe dream, as is the implication in the IS that root networks will survive regardless of what happens to plant life above-ground.

And, even if some on-site vegetation manages to dodge the bulldozer, *and* to survive being "cut, trimmed or flattened" to accommodate panel installation, all surviving species of flora would have to be carefully pruned back – and kept alive -- over the multi-decade span of the project's operational life. It is highly unlikely that the developer (or its successors) would be willing or able – financially or technically – to bring off such a daunting balancing act, or that any appreciable amount of the vegetation would survive this gauntlet.

Solar panel installation would not be the only reason that grading and scraping would be needed on the project site. It would also be required in order to build the honeycomb of roads needed for construction, maintenance and cleaning of vast complexes of solar panels and trackers, for installation of a perimeter security fence and for extensive trenching. The IS's

listing of the heavy equipment (on p. 11) needed to construct the project – graders, along with a bulldozer, scraper, 10-ton roller, sheep's-foot roller, tractor (with mower attachment), excavators (for trenching), as well as (see the IS, p. 13) motor graders and compaction equipment – makes it clear that there would be a great deal of soil disturbance involved, as does its statement (on pp. 13-14) that: (1) "[v]egetation would be removed where gravel roads would be constructed, where fill would be placed from grading operations, where buildings are to be constructed . . ."; and (2) earthwork would also "occur to install aggregate base access roads and transmission line maintenance roads."

The IS obliquely acknowledges that it is painting a rosy picture in suggesting that native plant communities would flourish under the Proposed Project. Tipping its hand ever so slightly, the IS concedes (on p. 52) that its proposed construction methods would allow only for "the retention of ***some*** of the vegetation on site . . ." (emphasis added), that, "[w]hile minimized, ***grading activities will occur throughout the project site*** [emphasis added]" and that "[g]round disturbance and foundation placement would be required for each transmission line pole, including vegetation removal in the immediate area." But, in its next breath, the IS contends (at p. 52) that "[t]he ground disturbance for both projects in combination would be minimal in relation to the surrounding desert area," i.e., there's so much untouched and expendable desert out there that the Proposed Project and substation would represent a drop in the proverbial bucket, so why concern ourselves with one more project? Such empty and transparent rationalizations are no substitute for the rigorous analysis required by an EIR.

The Proposed Project and substation would be sited in an area of high wind erosion potential, according to the "Soil sensitivity factors for the DRECP" map and the "Confidence levels for sensitive soil factor maps for the DRECP." Because the contemplated land disturbance would eliminate vegetation that would otherwise anchor the soil, it would lead to the release of large and unhealthy volumes of dust into the local environment and surrounding communities. In order to make a valid assessment in that regard, the DEIR must determine exactly how much vegetation would be removed (and retained), and exactly how much grading would be required. The DEIR must treat projections from the developer along those lines as advisory at best, and make its own independent assessment. Other utility-scale solar projects in the region have proven to be particularly bad neighbors, and have failed to live up to their developers' promises.[13]

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[13] The Soltec PV project in Newberry Springs has received a lot of negative attention. The developer reportedly promised that it would not scrape vast tracts of land, that the project would have minimal impact on vegetation and wildlife, and that mitigation measures (such as soils stabilization) would be implemented. None of this came to pass, and it has also become apparent that an unduly low estimate was presented, during the application phase, of the amount of water the project would consume.

The Agincourt and Lone Valley Solar projects in Lucerne Valley (on Camp Rock Rd.) – now known as "Lone Valley Solar" -- have been spewing dust, despite applying much more water than the developers projected.

Armed with such information, the DEIR will have a basic predicate for making an informed assessment concerning fugitive dust. But, in order to do so, the DEIR will also need a valid baseline for dust emissions for North Lucerne Valley. Unfortunately, the Mojave Desert Air Quality Management District (the "District"), which covers 20,000 square miles of desert terrain in the County and in Riverside County, cannot provide such a baseline, because the District does not have any air quality monitoring stations there (the monitoring stations are located in Trona, Lancaster, Victorville, Phelan, Lucerne Valley (in the San Bernardino Mountains, near the Mitsubishi cement plant), and Twentynine Palms). In accord with a directive from the District, County planners would nevertheless – unless the DEIR acquires more data (as is suggested below) – use the Victorville station's dust emission readings and meteorological data, in order to estimate the Proposed Project's dust emissions, even though the conditions at the Victorville station differ night and day from those present in North Lucerne Valley in terms of soils and wind speeds and directions.[14]

Joshua Tree has not fared any better with three nearby utility-scale solar projects: Cascade Solar, SEPV8 Solar (Lear Avenue) and Indian Trail Solar. Once vegetation was removed to construct them, soils became unstable and dust and sand began blowing. Dust storms are now a regular feature during high wind events. Prescribed mitigation measures -- like watering exposed soil and ceasing construction if the winds exceed a certain level -- have proven completely ineffectual, if implemented at all.

Antelope Valley Solar Ranch, located in Lancaster, near Route 138, was built by First Solar, which seems to be the contractor of choice for many solar photovoltaic projects. The AVAQMD cited First Solar for violations of air quality standards on at least two separate occasions. The AVAQMD was quoted as saying that there was "a myriad of things [First Solar] could have done that we didn't think they were doing to prevent the violations."

These examples demonstrate that approving a utility-scale project based on even the most stringent-appearing criteria – such as a developer's pledge to use "best available practices" to achieve "mitigation" after the project is built – simply does not work. This underscores just how important it is that the DEIR undertake a truly independent analysis on the subject.

[14] The Victorville station, which is located on asphalt and is 300 feet from a road that has an average annual daily traffic count of 1,000 vehicles, monitors a 0.3 to 3.5 square mile area with a relatively uniform land use. Hence it is no surprise that the station's monitoring records show zero (0.0) days above the 24-hour federal and state PM10 standards.

The technical information in this letter regarding the District's monitoring program is drawn from a meticulously researched March 22, 2017 article in the *Desert Report* (which is a publication of the Sierra Club), entitled "The Perfect (Dust) Storm – Fugitive Dust and the Morongo Basin Community of Desert Heights." Its author, naturalist Pat Flanagan, is a board member of the Morongo Basin Conservation Association.

Because emissions readings from the Victorville station do not provide a valid long-term PM10 baseline for the North Lucerne Valley, the DEIR must commission its own air quality/dust monitoring at (and adjacent to) the Proposed Project site, and readings must be taken during a representative array of wind speeds/directions and meteorological conditions. Otherwise, the DEIR's findings on dust emissions would amount to little more than poorly-educated guesswork.

The DEIR's analysis must also include the extent to which Valley Fever spores are present in the soils comprising the project site, spores that could become wind-blown due to construction and operational activities.

Finally, the DEIR cannot concern itself only with the degree to which the projects in question would kill plants living above the desert surface. The proposed construction and operation activities would, merely by disturbing desert soils, destroy below-the-surface communities of tiny, delicate plants and organisms. The DEIR must be cognizant of the fact that root systems are bound together underground and that associated fungi hold soils together that would otherwise produce fugitive dust.

In conclusion, the DEIR must conduct an analysis of windblown dust and soil erosion that incorporates and investigates each of the points stated above.

5. The DEIR Must Thoroughly Consider the "Indirect and Secondary Effects," "Growth-Inducing Impacts" and Overall "Cumulative Effects" of the Proposed Project.

Under Section 15358(a)(2) of the CEQA Guidelines, indirect or secondary effects "may include growth-inducing effects and other effects related to induced changes in the pattern of land use… and related effects on air and water and other natural systems, including ecosystems."

The CEQA Guidelines further note that indirect or secondary effects include "an indirect physical change in the environment...which is not immediately related to the project, but which is caused indirectly by the project." (Section 15064 (d)(2)).

Further, CEQA requires that the DEIR give full consideration to "growth-inducing impacts." Specifically, CEQA Guidelines, Section 15126.2(d), says that environmental documents must ". . . discuss the ways in which the project could foster economic or population growth, or the construction of additional housing, either directly or indirectly in the surrounding environment . . ." Included in this analysis must be this question: Does the Proposed Project and substation encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively?

Still further, CEQA mandates a consideration of "cumulative effects" of the Proposed Project. Section 15355(b) of the CEQA Guidelines says that "the cumulative impact from several projects is the change in the environment which results from the incremental impact of

the project when added to other closely related past, present, and reasonably foreseeable probable future projects."

Section 15131(a) states that an "EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated social changes resulting from the project to physical changes caused in turn by the economic or social changes." As stated in Section 15131(b), "[e]conomic or social effects of a proposed project may be used to determine the significance of physical changes caused by the project."

A. <u>The Proposed Project Will Be Used to Validate the Proposed Calcite Substation, Which Could, in Turn, Be Cited as Justifying the Revival of the Coolwater-Lugo Transmission Project</u>.

Proponents of the Proposed Project cite the prospect of a Calcite substation being built as justification for putting a utility-scale project in an ecologically fragile portion of North Lucerne Valley. They tout its close proximity to the Pisgah-Lugo transmission line, while noting that, if Calcite were to be approved, the Proposed Project would be only one gen-tie away from it. Southern California Edison ("Edison"), in turn, cites the Proposed Project as justification for establishing a Calcite substation. Edison then touts Calcite as the linchpin for many additional generating projects in the area.

Nevertheless, the IS reads as though the impact of a Calcite substation would extend no further than its 13-acre footprint, but that is hardly the case.

Edison's website makes no bones at all about why it thinks a new Calcite substation should be established in Lucerne Valley: "[t]he project will connect [i.e., encourage the proliferation of] new renewable generation projects in the San Bernardino County High Desert to the transmission grid."

The prospect of a new Calcite substation has in fact triggered an influx of proposals for utility-scale facilities in its vicinity: (1) the Proposed Project -- the official County notice for the Proposed Project confirms that it "coincides with California Public Utilities Commission proposal for the construction of the Calcite Substation . . ."; and (2) there are four more utility-scale projects queuing up to interconnect with a Calcite substation. [15]

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[15] After word of a possible new Calcite substation got out, applications for the following additional projects – which would be located in the immediate vicinity of the community – began wending their way through approval processes: (1) 8 Minute Solar (a 200 MW utility-scale solar project proposed for land north of Lucerne Dry Lake and west of Hwy. 247); (2) Aurora Sorrel (a ***2,000-acre*** utility-scale project) has been proposed for nearby state lands west of Hwy. 247 at the "Lucerne Cutoff;" and (3) two additional utility-scale projects that Edison has said are queuing up to interconnect with a Calcite substation (according to a statement made by an Edison representative, Kevin Richardson (at a December 6, 2016 public meeting in Lucerne Valley),

The referenced proposals are, in turn, cited by Edison as justifying construction of the new substation. As stated by Edison representative, Jennifer Cusack (at a December 6, 2016 public meeting in Lucerne Valley), "we [Edison] have to interconnect new projects."

With a bevy of new utility-scale projects in the pipeline all clustered around a Calcite substation – a substation that would provide a critical infrastructure link for new transmission lines -- Edison may well attempt a revival of the highly controversial, intensely opposed Coolwater-Lugo Transmission Project, which proffered – as one of its chief justifications – the dubious proposition that new transmission would be needed to interconnect posited renewable energy projects to the north and east of the Granite Mountains.

In short, approval of the Proposed Project would have an enormous "growth-inducing impact." The County is lead agency, and its job is to thoroughly analyze the impact of Coolwater-Lugo, and to discuss alternatives that do not open the floodgates to more industrial-scale development.

B. Approval of One Utility-Scale Renewable Project in the Desert Has the "Secondary Effect" of Creating a "Beach-Head" for the Proliferation of Other Such Projects in Its Immediate Vicinity, All of Which Incrementally Industrializes Hitherto Intact Desert Parcels, Thereby Creating Classic "Induced Changes in the Pattern of Land Use."

Desert areas, wild or rural in character, have little attraction for industrial-scale renewable energy facilities, like the Proposed Project, so long as no means exist to deliver the electricity to the grid. Hence, proponents of new renewable energy projects seek to site them next to substations (either those which are in existence or which are predicated on approval of one or more utility-scale projects), or next to other existing renewable energy facilities in order to "piggy-back" on transmission lines connecting their neighbors' renewable projects to the grid. Hence approval of one utility-scale renewable project in the desert has the "secondary effect" of creating a "beach-head" for the proliferation of other such projects in its immediate vicinity, all of which incrementally industrializes hitherto intact desert parcels, thereby creating classic "induced changes in the pattern of land use."

Such projects, because they result in profound and permanent destruction of the natural environs, are often posited as rendering the surrounding desert lands "disturbed," i.e., these parcels are mischaracterized as biologically-defunct, "damaged goods" no longer possessing environmental, aesthetic and recreational worth. Therefore, they are often mistakenly deemed ripe for more large-scale commercial development, regardless of their existing rural desert

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everything about them remains confidential until the project proponents sign Large Generator Interconnect Agreements).

designation and irrespective of the above-referenced land use policies dedicated to protecting that character.

That the IS misapprehends the Proposed Project site as being "disturbed" -- due to the presence of what it says are 33 homes so modest and underdeveloped that they do not deserve to be called a community[16] -- illustrates just how strongly land use planners' perceptions as to a parcel's environmental, aesthetic and recreational value are influenced by the level of development activity on other nearby parcels, and why it is so crucial that the DEIR fully and comprehensively assess the cumulative, growth-inducing effects of the Proposed Project and substation.

There are still further "secondary" and "growth-inducing" effects. Once utility-scale renewable projects begin to move in, rural residents move out; this is true because such projects have historically made bad neighbors. The exodus of rural residents would, in turn, accelerate the process of industrialization as renewable project proponents seek to develop former, so-called "disturbed" home-sites.

Attention must also be given to the growth-inducing effects in the arena of inter-connection and transmission, and the ensuing "closed loop" effect, in which a remotely-located generating project like this one is used as a justification for the construction of extensive, environmentally-threatening transmission facilities, which in turn become a justification for more generation plants, and so on. Thus, what on the surface is a generation project having a footprint of "only" approximately 500 acres becomes a continuous trigger for more and more transmission and generating projects. CEQA requires an analysis of such secondary effects and growth-inducing impacts, because otherwise these very real consequences grow and multiply "in the cracks" between one project and the next, never undergoing direct scrutiny.

In short, the enabling of new utility-scale renewable projects, like the Proposed Project, which, in turn, enable new transmission infrastructure projects like a Calcite substation (that, in turn, beget even further renewable projects), would have an obvious "secondary effect" and an "induced change in the pattern of land use." Section 15358(a)(2). The environmental impact of each new generating plant on the desert is large and enduring. Thus the enabling of utility-scale renewable energy projects causes "an indirect physical change in the environment . . . which is not immediately related to the project, but which is caused indirectly by the project." (Section 15064 (d)(2)).

Moreover, as part of an "Environmental Justice" analysis (which is more fully addressed below in Section 8), the DEIR must address the long-term and short-term effects that a proliferation of centralized energy generation facilities would have on the economic welfare of

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[16] In that same vein, the IS completely ignores the fact that the project area is part of vital wildlife linkages, and contends (at p. 47) that, due to "historical agriculture" and residential usage, the project area is supposedly shunned by native wildlife species, except for the occasional tryst: by animals which are "particularly tolerant of human disturbances, [which] may occasionally breed on the site."

the County's residents. The County's economy is heavily dependent on tourism. It has been estimated at **$1 Billion *per year*** according to a University of Idaho study discussed in Basin Energy Assessment Team's "Renewable Energy Analysis" (October 2013). As part of an effort to promote tourism, Hwy. 247 has been proposed as (and is under consideration for) designation as a scenic highway; filling adjacent desert lands with vast new solar fields and transmission would create visual blight that will detract from that effort.

As noted above, the Proposed Project would require extensive scraping, grading, excavation for trenches, as well as the cutting, trimming and flattening of most on-site vegetation. This intensive and obtrusive activity would destroy the surface soil on the majority of the 500 acres, which will result in permanent loss of a fragile mini-ecosystem, and the loss of carbon dioxide sequestration capability, which in this desert happens below the surface.[17] Moreover, the required grading and trenching would destroy the vital caliche surface layer and the micro-biologically-rich subsurface of the proposed site. The desert has been likened to a "reverse rain forest," where the most biologically productive systems – the root systems – are underground.

Hence the DEIR must assess, in terms of cumulative effects, the degree to which the Proposed Project (and others like it) would lead to a release, rather than a reduction, of greenhouse gases, and these offsetting negative effects must be carefully quantified in the DEIR. (The Proposed Project's capacity for releasing dust, Valley Fever spores and fine particulates, among other things, which has been discussed above, must also be addressed in the DEIR.)

Another aspect of this Proposed Project sure to create a cascade of increased environmental problems is that any perimeter road around the project would invite and enable OHV use on the adjacent open desert.

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[17] The IS states that the DEIR will engage in an analysis addressing likely GHG releases that the proposed projects will cause. In doing so, the DEIR must include in its analysis a study of the degree to which the desert's natural ability to sequester carbon will be lost. See "Solar Power in the Desert: Are the current large-scale solar developments really improving California's environment?" UC Riverside. The authors of this article, Michael F. Allen and Alan McHughen, point out in their study, among many other things, that the benefits of reduced GHG emissions from a large-scale solar project are finite, because the project has a limited life, whereas the detriments caused by the destruction of soils entailed by the building and maintenance of the power plant and the related transmission facilities are extremely long-term. "Understanding the lifespans of the solar plants, compared with this long-term slow C [carbon] balance is a critical need for determining if these solar developments represent a net long-term reduction in greenhouse gases." The article concludes that solar projects represent a net loss in that respect.

6. The DEIR Must Thoroughly Examine the Amount of Water Required for the Construction, Operation and Maintenance (including Ongoing Dust Suppression), as Well as the Impact of the Proposed Project and Substation on the County's Finite Groundwater Resources.

The IS concludes (at pp. 94-95) that the Proposed Project will have a "less than significant impact" in terms of groundwater usage and that "no mitigation is required." This is a startling conclusion given that the project site would be located on an overdrafted groundwater basin, according to the "Overdraft Groundwater Basins, DRECP" map. Nevertheless, the IS insists that the DEIR will opine only as to "[t]he degree to which existing groundwater supply is sufficient for the project . . ." Such an approach would not comply with CEQA and the regulations that interpret it; they make it clear that sound science, rigorous empiricism and critical thinking are the cornerstones of a correctly-done environmental assessment.

The IS does not cite any serious studies of the impact that the proposed projects, and others like them, would have on those aquifers. Instead, the IS simply recites (at pp. 94-94) that the developer will obtain a BAP right to 1,761 AFY from Gabrych, the current property owner. But his adjudicated "production right," under the 2015 area-wide water judgment does not represent a scientific estimate of the amount of groundwater that he or any other property owners can draw from that sub-basin without irrevocably depleting it. It establishes only the amount of water that Gabrych can *legally* draw from the local aquifer, which is the Este Sub-basin. It does not mean that the water will actually be there, nor does it mean that, should Gabrych and the other parties bound to the judgment draw the amounts allotted to them, there would be enough to go around.

It is particularly urgent that the DEIR undertake a meaningful groundwater analysis, given that water is an irreplaceable resource that is this County's lifeblood, and that it is subject to prolonged drought. It is also jeopardized by 20,000 MWs in total, according to the draft DRECP (with a portion of that on BLM lands as per the final BLM LUPA) of new utility-scale renewable energy that the DRECP plans for the California desert. Such data as we have on the subject – which comes chiefly from the DRECP itself – must be considered.[18]

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[18] The DRECP water data and findings continue to be relevant, notwithstanding the 2016 – 2017 rains. The jury is still very much out on whether and to what extent California's prolonged drought was broken in arid regions such as the Mojave Desert. Statements made by the State Water Resources Control Board (the "SWRCB"), in its comment letter regarding the DRECP, suggests that the drought would persist there despite the recent rains. The SWRCB comment letter states that the preponderance of groundwater in the Basins and Ranges hydrologic province is thousands of years old (i.e., it takes thousands of years for groundwater to travel from the point of recharge to the point of discharge). According to the SWRCB comment letter, our aquifers represent a closed system where 66% of the groundwater is between 100 and 33,000 years old with the only "young" recharge coming from the mountains [p. 18]. On a related note, the SWRCB states that, "[i]n most areas of the desert, deeper, older groundwater is saline. Excessive pumping will likely cause migration of saline water into fresh water aquifers [p. 11]."

While the draft DRECP did not conduct a meaningful analysis of groundwater baseline data, it nevertheless made valuable observations about the tenuous state of the desert's groundwater basins. For instance, the draft DRECP acknowledged that its DFAs would be located primarily on already overdrafted groundwater basins from which the enormous volumes of water needed -- for the construction, maintenance and operations of large-scale generation facilities -- would have to be drawn. In that regard, it conceded (at IV.6-24) that "[d]evelopment would occur in 35 groundwater basins," that 14 of them are stressed or in "overdraft or stressed," that "[m]ost (97%) of the developed area is within four ecoregion subareas [the High Desert areas of Los Angeles and San Bernardino Counties and the Imperial Valley]" -- which are the most populated areas of the California desert[19] -- and that "increased groundwater use in these sensitive basins can adversely affect water supplies and exacerbate impacts associated with overdraft conditions and declining groundwater levels."

The draft DRECP also stated that the total estimated water use for the new projects it sought to foster would be 91,000 acre-feet per year (IV.6-24), and that the "[r]enewable energy facilities permitted under the DRECP could influence the quantity and timing of groundwater recharge because construction would include grading the land surface, removing vegetation, altering the conveyance and control of runoff and floods, or covering the land with impervious surfaces that alter the relationships between rainfall, runoff, infiltration and transpiration [IV.25-45]." Solar energy – which was the renewable technology preferred in the DRECP -- "would result in the largest amount of grading so it would have the largest impact on groundwater recharge among the renewable technologies permitted under the DRECP [IV.25-45]."

According to the vastly understated language of the draft DRECP, the "use of groundwater for renewable facilities permitted under the DRECP would combine with [other uses of groundwater] . . . to result in a cumulative lowering of groundwater levels affecting basin water supplies and groundwater [IV.25-46]."

The draft DRECP also took note (IV.25-45) of the "[p]opulation growth and anticipated development summarized in Section IV.25.2.2" -- including "future residential development that would also use a large amount of groundwater continuously [IV.25-46]" and that would result from anticipated renewable energy and other projects -- as further contributing to the drawdown of desert groundwater basins.

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19 When the draft DRECP's map of the Preferred Alternative DFAs (which, along with transmission corridors, was to entail approximately 177,000 acres of "ground disturbance" (IV.7-215)) is superimposed on top of the DRECP's Overdraft Groundwater Basins map, one sees that (with small exceptions) all of the High Desert DFAs – from the Antelope Valley east to the Johnson Valley -- were located within the boundaries of already overdrafted groundwater basins. Indeed, the DRECP conceded: "[u]nder the Preferred Alternative, development in BLM lands can affect groundwater in 12 basins characterized as either in overdraft or stressed" [Section IV.6 of the DRECP].

Even more ominously, the draft DRECP noted that the proposed renewable energy projects would result in "compression [of groundwater basins that would reduce] the volume of sediment beds and lower land surface elevations, which can damage existing structures, roads, and pipelines; reverse flow in sanitary sewer systems and water delivery canals; alter the magnitude and extent of flooding along creeks and lakes. ***This compression of clay beds [that make up groundwater basins] also represents a permanent reduction in storage capacity***" [IV.25-47]. (Emphasis added.) The proposed renewable energy plants and transmission facilities "could also cause water-level declines in the same groundwater basins and contribute to the migration of the saline areas of groundwater basins" [IV.25-47].

In terms of construction usage, the 550 MW Desert Sunlight 250 project (on 4,400 acres of land) – and the 1,550 acre feet of water allocated to its construction – can be used as a metric. Forty projects of that size would produce just over the DRECP's targeted 20,000 MWs in renewable energy. Assuming that those forty projects would use a similar amount of water during their construction, construction of 20,000 MW of new renewable energy projects would consume 620,000 acre feet, which equates with approximately 20 billion gallons of water.

In their maintenance and operations, the utility-scale solar projects in the Lucerne Valley DFA would, according to data from the draft DRECP, consume almost 1,000 acre-feet of water **per year,** which is enough water to fill four Rose Bowls to the brim. On a DRECP-wide basis, if all 20,000 MW of generation were to come from the least water-intensive generation method – which is solar PV (as opposed to solar thermal, which requires many multiples more water in cleaning, as well as a great deal of additional water for cooling operations) – and the PV panels were washed only six times per year, the cleaning of the panels alone would consume .15 acre feet per year per megawatt of generation, which would amount to a total water expenditure of approximately 3,000 acre feet per year (20,000 times .15 = 3,000).

Projects on the BLM land will be drawing from the same groundwater basins that the rest of the County relies on – in effect, public and private "straws" will all be drawing from the same figurative milkshake. Nevertheless, the draft DRECP made no study of the impact on the desert's aquifers of siting 20,000 MWs of new generation facilities, nor did the draft DRECP include any real baseline data concerning the health or sustainability of those basins under current demands, or when the effects of an ongoing drought of historic proportions is factored in.

This puts the onus on the DEIR to conduct a far-reaching analysis of the cumulative effects that the Proposed Project and substation would have on our inter-connected aquifer systems, particularly given that the proliferation of large-scale, water-thirsty projects, like the Cadiz Valley Water Conservation and Storage Project, the Eagle Mountain Pumped Storage Hydroelectric Project (1,300 MW) and any major efforts to remediate the Salton Sea, will stress already fragile water reserves.

Hence the DEIR and the projects' proponents must: (1) conduct and incorporate a comprehensive assessment as to how the siting of their proposed renewable energy generation and substation would – in combination with other factors, including the plethora of utility-scale and transmission projects that will be developed on public land under the BLM LUPA -- affect

relevant groundwater basins, i.e., to what degree would their sustainability be threatened; and (2) conduct a baseline study as to the current status of each affected aquifer – how much potable and non-potable water is each such groundwater basin currently holding? How much water is being pumped out of each basin by the residents and businesses currently relying upon them? How much water can be expected to recharge the basins, either from natural sources or from the State Water Project? Are the groundwater basins sustainable in view of the demands currently being made on them (including the demands that would be made on them by the Proposed Project and substation), and in view of their recharge rates, or are these basins approaching collapse, i.e., what are their tipping points? What is the likely effect of ongoing drought on our groundwater basins?

Even at that, such an analysis would provide a very limited, snapshot-in-time prognostication that may not accurately portray our groundwater basins' future sustainability. At the meeting of the BLM's Desert Advisory Committee on September 27, 2014, in Pahrump, Nevada, Peter Godfrey, a BLM water specialist who was one of the authors of the groundwater portions of the draft DRECP, stated that, in order to assess our aquifers' future sustainability, a long-term time horizon of as much as 30 years is required, which is longer than the projected lifespan of the Proposed Project and substation. In other words, we won't really know whether these projects have compromised our groundwater basins until after they have passed the point of no return. The DEIR must factor into its analysis that it may be impossible, given practical temporal limitations, to determine with any real degree of certainty whether the Proposed Project and substation will debilitate local groundwater basins, which strongly suggests that a "no action" alternative merits extraordinary attention.

According to the IS (p. 94), the Proposed Project and substation would use 1.93 acre feet of water during the 16-month construction period, that 6.0 acre feet per year would be used for panel washing and that 0.6 acre feet per year would be used for "maintenance and repair dust suppression." These estimates should be rigorously examined in the DEIR, given that the burden is on the proponent to provide empirical data to back them, particularly when there are close-by actual experiences of other projects from which to draw actual data. Moreover, there is a history of under-estimation by other solar projects as to actual volume of water used during the course of construction and operation. The DEIR must specifically address what happened in these projects and critique the estimates provided by the proponent in light of these experiences.[20]

[20] At the onset of the Agincourt and Marathon solar projects (now known as Lone Valley Solar), the proponents agreed to purchase from the Mojave Water Agency ten acre feet of water; instead, according to our information, they wound up using more than 50 acre feet (10 acre feet came directly from the Morongo Basin pipeline, and the other 40 acre feet were purchased from a local farmer). And these projects have been spewing tons of dust. The same thing has occurred with respect to the Soltec PV project in Newberry Springs.

The Desert Sunlight Solar PV facility in Riverside County was approved based on the promise of its proponents to limit themselves to 1,400 acre feet of groundwater during construction. But, after they broke ground, they said they would need 1,500 acre feet of water (which they later increased by another 50 acre feet). The developers took all of that water from

The IS speaks (at p. 14) in general terms of measures to reduce fugitive dust *during construction* of using approximately 75 acre-feet for dust suppression and earthwork (over an approximately 10-month period), but proposes no measures for controlling dust over the proposed project's multi-decade span of operational years, notwithstanding the arid, high-wind environment in which they would be located (and notwithstanding that, because the project site would be unmanned, the project proponents would have no one on site to address incidents of blowing dust). The IS projects that 0.6 acre feet per year will be used for "maintenance and repair dust suppression." This appears to be quite low given that that relatively meager volume of water would have to keep dust down over an arid, wind-prone and highly disturbed almost 500-acre site. Even the IS (at p. 95) calls this a "very minor amount of groundwater." The IS does not even state how much of the 0.6 AFY would be allotted to maintenance and repair, as opposed to dust suppression.

The DEIR must address whether the projected amount of water will be sufficient to prevent fugitive dust. The DEIR must also take a serious look at whether ***any*** amount of water would, after the site is seriously disturbed through construction, operation and maintenance of the two proposed projects -- be sufficient to prevent fugitive dust from plaguing the region, especially given D/CO 1.4 of the County's General Plan's Conservation Element, which sets out the requirement to "[r]educe disturbances to fragile desert soils as much as practicable in order to reduce fugitive dust . . ."

The IS recites the types of soil that are present on the proposed site, but it does not analyze whether the prevailing soil types would be conducive to fugitive dust blown off a de-vegetated site over the years by prevailing desert winds. These deficiencies must be remedied in the DEIR – such an analysis would be critical in determining how much water the Proposed Project and substation would really consume.

Also missing from the IS is any meaningful attention to the issue of Valley Fever. The DEIR must address some well-known facts about how disruption of the desert soil stirs up the microscopic spores that cause Valley Fever which can travel on the wind as far as 75 miles.[21]

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an aquifer that has not gotten any re-charge in hundreds of years, according to a U.S. Geological Service survey.

Antelope Valley Solar Ranch, located in Lancaster, near Route 138, was built by First Solar, which seems to be the contractor of choice for many solar photovoltaic projects. The AVAQMD cited First Solar for violations of air quality standards on at least two separate occasions. The AVAQMD was quoted as saying that there was "a myriad of things [First Solar] could have done that we didn't think they were doing to prevent the violations."

[21] The town of Lucerne Valley is very close by, and the Town of Apple Valley, and the cities of Victorville and Adelanto are, in terms of how mobile particulate matter can be, practically right around the corner.

The DEIR must also address, in assessing environmental impact in terms of Valley Fever causation and dissemination, that: (1) soil disturbance in the Western Antelope Valley resulting from large-scale renewable energy development, and from construction of SCE's grid line and power station infrastructure, is suspected of causing a recent outbreak of Valley Fever in that region; and (2) any water that would be used to temporarily suppress dust would, unfortunately, cause Valley Fever spores to reproduce, because they thrive on alternating periods of extreme wetness and extreme dryness.

The DEIR must critically address the groundwater issue, and incorporate a comprehensive and cumulative study of the impacts on groundwater reserves that renewable energy projects, like the Proposed Project and substation, and their progeny, would have, with an emphasis on establishing the crucial "trigger points" at which groundwater pumping would render specific affected groundwater basins unable to meet the needs of the County's residents and businesses. There must be a rigorous and honest comparison of alternatives to the project as proposed.

7. The DEIR Must Make an Honest and In-Depth Study of the Effects that the Proposed Project Would Have on the Local Community – One That Is Not Laden with the Unfounded Value Judgments Found in the IS.

The Proposed Project and substation would be located in an established rural desert community consisting of at least 54 homes within a half-mile of the project boundaries (at least 33 of them are occupied by their owners or, as is the case with Rivers Edge Ranch, under active operation). The homes are oriented in a roughly radial pattern around a large open space which gives the locale a very spacious feel, one that complements the community's picturesque setting (the Proposed Project would occupy and eliminate that open space). It is located immediately north of a large dry lake, and in a narrow valley between the Granite Mountains and the Ord Mountains (both of which host extensive ACECs), which allows the residents to enjoy unimpeded and dramatic desert and mountain views in all directions. Most of the land in the community does not show signs of having been farmed, and cannot be readily distinguished from other nearby pristine desert regions. That portion of it that has been farmed is in an advanced stage of recovery and is part of a functioning natural habitat. There has been no large-scale agriculture in the community for approximately a decade.

Nevertheless, while addressing the question -- would the Project "physically divide" an established community? – the IS (at p. 70) portrays the community in a bleak, unappealing and highly inaccurate manner: the IS contends that there are only 32 "modest" and "generally undeveloped" residences there, and that a mere 22 of them show signs of habitation. The IS also maintains that "many of the parcels are currently used as storage space for vehicles and/or machinery," while concluding dismissively that, "based on its generally sparsely developed and

rural character, the surrounding area would not be considered an established community."[22] The IS cites this mischaracterization as support for its conclusion that the Proposed Project would have a "less than significant impact."

The IS's unfounded and inappropriate value judgments should not be incorporated into the DEIR. The IS depicts local property owners as a marginal population unworthy of protection under the County's above-discussed land use planning policies. Reading the IS's disparaging account, one can practically hear tumbleweeds blowing and rusty hinges creaking on abandoned shacks. Is there any doubt that, had the community consisted of million-dollar homes with well-manicured lawns, the IS's conclusion would have been entirely different?

That the homes in the local community are indeed dispersed – this is a common and often defining characteristic of rural living, particularly in the desert – does not mean that the area is "generally sparsely" developed, nor would that disqualify the community from receiving protection against rampant industrialization. One need only look at the County's above-cited land use goals and policies for confirmation of that proposition: they are directed toward protection and preservation of the rural lifestyles of the County's desert residents.[23]

The County has, in accord with those goals and policies, protected small desert communities from utility-scale development. On May 5, 2015, the Board of Supervisors granted an appeal revoking a CUP for a proposed commercial photovoltaic solar project in Landers – called Bowman Solar – in part because it would have been incompatible with the dispersed rural residences that dot the surrounding region, ***notwithstanding that there were only "seven single-family residences*** . . . located within 1,000 feet of the proposed project parcel" according to the Initial Study for that project (emphasis added.). Such concerns also played a part in the County Planning Commission's denial, on November 6, 2014, of a CUP for the proposed Desert View photovoltaic solar project in western Lucerne Valley.

Several of the speakers at the June 13, 2017 scoping meeting on the DEIR – including Brian Hammer, Susan Hammer (the Hammers' property would be surrounded by the Proposed

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[22] The IS cites as authority for this proposition something that it calls the "(County of San Bernardino 2007)." We have been unable to determine what, if any, County publication it is referring to.

[23] In addition, the stated policy of the County's General Plan is: (1) to "maintain land use patterns in the Desert Region that enhance the rural environment and preserve the quality of life of the residents of the region (Goal D/LU 1);" (2) to "ensure that commercial and industrial development within the region is compatible with the rural desert character and meets the needs of local residents (D/LU 3);" (3) to "maintain land use patterns in the Desert Region that enhance the rural environment and preserve the quality of life of the residents of the region (Goal D/LU 1);" and (4) "to preserve the unique environmental features and natural resources of the Desert Region, including native wildlife, vegetation, water and scenic vistas" (Goal D/CO 1 of the General Plan's Open Space element).

Project on two sides) and Patty Riddle – made it clear that the IS has grossly mischaracterized their community. They confirmed that, while local residents greatly value the open space around their homes – and the personal privacy and direct access to nature that it affords them -- they also enjoy a strong sense of community with their neighbors. And they have great pride in their properties. Brian Hammer mentioned that, while his house might not look all that distinguished from the outside, he and his wife are extensively remodeling its interior. Patty Riddle acknowledged that she and her husband store a large number of collector cars on their property,[24] and that because of this it may not show well in an aerial photo, but her deep bond with the property – upon which she has long maintained a home and a productive grove of nut-bearing trees, among other things -- was quite apparent.

The DEIR must completely re-think the approach taken by the IS toward the local community and provide a meaningful impact analysis that is consistent with the points made in this section of our letter. The basic premises for such an analysis must be that these homes form a community in the fullest sense of the word, and that, because the Proposed Project would so thoroughly consume and dominate all of the open space at the center of the community -- lapping up against the very property lines of many residents' homes -- it would "physically divide" the community.[25]

The DEIR must also incorporate a more expansive definition as to what the community is comprised of than the one used in the IS (persons living within a half-mile of the Proposed Project site) because residents living outside that half-mile zone – including those living to the east of Peterman Hill – would be greatly impacted by the Proposed Project, especially given the enormous range that wind-blown fugitive dust has.

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[24] According to aerial photos, Ms. Riddle's property is the only one in the community upon which large assemblages of cars are found. The IS was mistaken in concluding that "***many*** of the parcels are currently used as storage space for vehicles and/or machinery." (Emphasis added.)

[25] The IS correctly notes that the Proposed Project would not block residents from gaining access to Hwy. 247, but a project does not have to amount to a veritable Berlin Wall – an impregnable barrier that completely isolates one portion of a community from another by running through its entire length and breadth – in order to be considered as one that "physically divides" it. To conclude otherwise would be to give the quoted phrase an unduly narrow and literal interpretation, one that would render the CEQA criterion employing it inapplicable to all but a very few development projects.

8. The DEIR Must Also Analyze a Broad Array of Environmental Justice[26] Impacts that the Proposed Projects Would Have on the Surrounding Community.

Environmental Justice ("EJ") concerns are accorded an immense amount of focus and weight in this State, and *all* social, economic and physical impacts that the Proposed Project and substation would impose on the surrounding community must be carefully and comprehensively analyzed as part of the DEIR. In other words, the DEIR's EJ analysis should not begin and end with consideration of the extent to which the Proposed Project and substation would "physically divide" the surrounding community.

Under CEQA, impacts to the environment are not limited to the natural environment, but also include "substantial adverse effects on human beings, either directly or indirectly." CEQA Guidelines, Section 15065(d). Along those same lines, the official website for the California Office of Attorney General (oag.ca.gov) states, in an attachment to its "CEQA and General Planning" section – entitled "Environmental Justice at the Local and Regional Level Legal Background" (the "EJ Guidelines") – that:

> "Human beings are an integral part of the 'environment.' An agency is required to find that a "project may have a 'significant effect on the environment' if, among other things, '[t]he environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly[.]" (Pub. Res. Code, § 21083, subd. (b)(3); see also CEQA Guidelines, § 15126.2 [noting that a project may cause a significant effect by bringing people to hazards]."

The EJ Guidelines also state that: (1) a "local lead agency [is required] to determine whether pollution from a proposed project will have significant effects on any nearby communities, when considered together with any pollution burdens those communities already are bearing, or may bear from probable future projects;" and (2) "economic and social effects may be relevant in determining significance under CEQA in two ways . . . First, as the CEQA Guidelines note, social or economic impacts may lead to physical changes to the environment that are significant . . . Second, the economic and social effects of a physical change to the environment may be considered in determining whether that physical change is significant [citations to legal authorities were omitted for purposes of brevity]." See also Section 15131(b), which states that "[e]conomic or social effects of a proposed project may be used to determine the significance of physical changes caused by the project."

An environmental study is fatally defective when it accords greater weight to a nearby community of million-dollar homes than it does to less affluent communities. The IS has already

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[26] Environmental justice is defined by the Environmental Protection Agency as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies."

started down the wrong path; the DEIR must reverse direction, and give serious consideration to the Proposed Project's likely effects on the people who would be living in its proximity.

In line with the above-cited EJ Guidelines and CEQA statutes, the following EJ concerns are triggered by the Proposed Project and substation:

1. The community would not reap any benefits from the two projects.

Local residents would be called upon to make a huge sacrifice in the name of large-scale energy generation and transmission: they would have to give up their desert rural lifestyles, direct access to nature and unimpeded natural views, as well as the value of their homes. But they would get nothing in the bargain. All of the power generated would be exported to the grid for use outside the County, and all profits would go to NextEra and to Edison[27];

2. The community would directly suffer all of the substantial downsides generated by the two projects.

Residents would be subjected to noise, dust and constant intrusion from two major construction projects that would require hundreds of workers and platoons of heavy equipment over an extended period of time. And dust plumes would inevitably be unleashed during the operational life of the projects as the prevailing winds sweep over denuded desert soil, while new high tension lines crackle and hum loudly overhead. As the immense appeal of the community is destroyed in the process, the value of the homes in it would plummet, all of which will likely result in some or all of the homes being abandoned. If so, the area would sink into blight and become the derelict community depicted by the IS. Instead of the current, vibrant human community that exists side-by-side with thriving natural communities, there would be a quarter of a million solar panels left silently pivoting in the degraded landscape; and

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[27] California has such a glut of renewable energy that, for eight days in January and nine in February, the state had to pay Arizona to take all the surplus, even as natural gas power plants – eight such plants are being refurbished – continued to generate, according to a June 22, 2017 *Los Angeles Times* article, entitled "California has invested heavily in solar power. Now there's so much that other states are sometimes paid to take it." It also reports that curtailments of solar and wind power production for the first quarter of 2017 were more than double the same period last year, and the surge in solar power could push the number even higher in the future. Because of this surplus, existing power plants run, on average, at slightly less than one-third of capacity. And some plants are being closed decades earlier than planned. But the overbuilding of new plants and transmission continues apace because – according to industry insiders cited in the article – such construction receives a "lopsided incentive": "utilities can build in the construction costs into the amount that the utility can charge electricity users – no matter how much or how little is used." In other words, such charges include a guaranteed rate of return, i.e. profit, for the utilities.

3. The two projects would usher a proliferation of additional utility-scale projects into the vicinity, imposing additional ill effects on community members (see the cumulative effects discussion above).

This is already beginning to happen, despite the fact that neither the Proposed Project nor the substation has been approved. As detailed above in Fn. 15, there are four additional utility-scale projects being proposed for the immediate vicinity of the community that are now in the approval pipeline. One such project would, if approved, consume 2,000 acres of desert. This proliferation of utility-scale projects would put the community at the epicenter of thousands of dust (and spore)-spewing industrialized acres, thereby making its residents the focus of an undue and highly disproportionate amount of health-compromising fugitive particulates and other pollutants.[28]

While each of the EJ considerations discussed above must be addressed in the DEIR, this letter is not meant to exhaustively catalog all such EJ concerns. It is meant solely to provide our initial take on what those concerns may be and as to how the DEIR might address them.

9. The DEIR's Analysis of Proposals for Restoration of the Site of the Proposed Projects Must Take Proper Account of the Difficulty of Restoring Desert Terrain.

The Proposed Project and substation cannot be justified by the proposition that, after their operational life is over, the project sites can be restored to their former natural state, because the desert is an ecosystem well-known to be poorly responsive to restoration efforts. It is very difficult to restore desert habitats following disturbance; it is particularly hard to protect against OHV use after construction; and it is almost impossible to protect against increased fires and human disturbance as a result of increased access. Yet these phenomena – increased OHV use after construction, more fires and more human disturbance because of increased access – are inevitable consequences of the Proposed Project.

Making restoration efforts all the more difficult is climate change. According to the current draft DRECP, current climate change predictions identify the deserts of North America as being particularly hard hit. The report states: "Climate projections agree that temperatures will increase in the southern California deserts by more than 2º C…" Draft DRECP, App. P, page 13. That these increases in already very high temperatures will put tremendous stress on numerous species goes without saying. When the loss of water from extended drought is added to the mix, there ceases to be any basis to suggest that the additional stress on the desert from projects like this can be "mitigated" away through restoration some years hence.

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[28] The EJ Guidelines cite Gov. Code, § 65040.12, subd. (e), which states that "[f]airness in this context means that the benefits of a healthy environment should be available to everyone, and the burdens of pollution should not be focused on sensitive populations or on communities that already are experiencing its adverse effects."

The concept of restoration has no validity in a serious environmental study without meticulous examination of what kind of damage can be restored, and by what means, and over what time period. The DEIR must give this subject careful consideration.

10. Conclusion.

We welcome the opportunity to comment on the scope of the DEIR for the Proposed Project and substation, and look forward to continuing participation.

Very truly yours,

<u>Community Associations, Businesses and Organizations</u>:

LUCERNE VALLEY ECONOMIC DEVELOPMENT ASSOCIATION	JOHNSON VALLEY IMPROVEMENT ASSOCIATION
Chuck Bell, President	Betty Munson, Secretary
HOMESTEAD VALLEY COMMUNITY COUNCIL	OAK HILLS PROPERTY OWNERS ASSOCIATION
Joanna Wright, President	David Blevins, President
FLAMINGO HEIGHTS COMMUNITY ASSOCIATION	NEWBERRY SPRINGS ECONOMIC DEVELOPMENT ASSOCIATION
Dorothy Beasley, President	Paul Deel, President
MORONGO BASIN CONSERVATION ASSOCIATION	CHURCH OF OUR LORD AND SAVIOR (LUCERNE VALLEY)
Sarah Kennington, President	Bill Lembright, President

LUCERNE VALLEY MUSEUM AND HISTORY ASSOCIATION

Barbara A. “Rusty” LaGrange

LUCERNE VALLEY MARKET/ HARDWARE

Linda Gommel, Chief Executive Officer

MOJAVE COMMUNITIES CONSERVATION COLLABORATIVE

Lorrie L. Steely, Founder

ALLIANCE FOR DESERT PRESERVATION

Richard Ravana, President

Individuals (the persons whose addresses are noted below in parentheses live in, or own property in, the community surrounding the Proposed Project site):

Jack Harris (16731 Meridian Rd., Lucerne Valley, CA)

Regino Pitones (15924 Meridian Rd., Lucerne Valley, CA)

Jerry Cummings (15750 Meridian Rd., Lucerne Valley, CA)

Barbara Cummings (15750 Meridian Rd., Lucerne Valley, CA)

Brian Hammer, Analyst and Adjunct Professor (owner of home at 33261 Haynes Rd., Lucerne Valley, CA)

Sue Hammer (owner of home at 33261 Haynes Rd., Lucerne Valley, CA)

Donna R. Betz (33434 Northside Rd., Lucerne Valley, CA)

Judy Wakefield (34776 Lancelet, Lucerne Valley, CA)

Natalie M. Buchanan (15449 Meridian Rd., Lucerne Valley, CA)

Jai Hoon Yoo (15468 Meridian Rd., Lucerne Valley, CA)

Michael Ware (33603 Wilderness Lane, Lucerne Valley, CA)

Amy Ware (33603 Wilderness Lane, Lucerne Valley, CA)

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Bradley R. Hicks (P.O. Box 1011, Lucerne Valley, CA)

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Renee Lynn (16821 Meridian Rd., Lucerne Valley, CA)

Ron Arnold (33434 Northside Rd., #B, Lucerne Valley, CA)

John W. Buchanan (15449 Meridian Rd., Lucerne Valley, CA)

Bobbie Perrin (16274 Meridian Rd, Lucerne Valley, CA)

John Kenmuir (33631 Haynes Rd., Lucerne Valley, CA)

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Amanda Starn (resident of Apple Valley, owner of Parcel #0453-071-49-0000)

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Jim Harvey (resident of Johnson Valley)

Pat Flanagan (resident of Twentynine Palms)

Marina West (resident of Landers)

John Smith (resident of Apple Valley)

Barbara Smith (resident of Apple Valley)

Jeffrey LaGrange (resident of Lucerne Valley)

John Jones (resident of Johnson Valley)

Bobbie Jones (resident of Johnson Valley)

Linda Morrison (resident of Apple Valley)

Wayne Morrison (resident of Apple Valley)

Ruth Rieman (resident of Flamingo Heights)

Tim Norton (resident of Johnson Valley)

Jody Norton (resident of Johnson Valley)

Barbara LaGrange (resident of Lucerne Valley)

Bryan Baker (resident of Apple Valley)

Jean Magee (resident of Lucerne Valley)

Deborah Myers (resident of Lucerne Valley)

Aaron Idouchi (resident of Milpas Highlands (Apple Valley)

Owen Myers (resident of Lucerne Valley)

Barbara Idouchi (resident of Milpas Highlands (Apple Valley)

Kathryn Anema (resident of Lucerne Valley)

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CCs:

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