

**DECISION NOTICE
FINDING OF NO SIGNIFICANT IMPACT**

**PROPOSED GOLDEN ACORN WIND TURBINE PROJECT
CAMPO INDIAN RESERVATION
SAN DIEGO COUNTY, CALIFORNIA**

An Environmental Assessment (EA), dated October 2013, was prepared to determine the environmental impacts that may result as a consequence of the Bureau of Indian Affairs' (BIA) proposed approval of a lease agreement between the Campo Band of Mission Indians (Tribe) and Foundation Windpower, LLC to allow for the construction and operation a wind turbine to provide electricity for the Golden Acorn Casino and Travel Center on the Campo Indian Reservation. The Proposed Action would be located within or near the 33-acre existing development footprint of the casino and travel center approximately 60 miles east of downtown San Diego and 10 miles north of the United States/Mexico border. The Area of Potential Effect (APE) for the project is about one acre, including a 0.2 acre wind turbine site, approximately 1000 feet of underground power line and a temporary laydown and stockpile area during construction. The Tribe has consented to the development of the wind turbine project on tribal lands in order to provide these services to the tribal enterprises.

It is my decision to select the Proposed Action Alternative and approve the lease agreement. The No Action Alternative was also considered. I selected the Proposed Action Alternative and intend to approve the lease agreement because it best meets the purpose and need to provide these services to enhance tribal economic development.

This finding and decision is based on the following factors:

Factors:

1. Agency scoping was conducted and environmental issues related to implementation of the project were identified. Alternative courses of action and mitigation measures were developed in response to environmental concerns and issues.
2. The EA discloses the environmental consequences of the proposed action and the "no action" alternative. The Preferred Alternative was selected by the General Council for the Reservation and by the Bureau of Indian Affairs.
3. Protective measures will be implemented to minimize impacts to land resources, water resources, air quality, and biological resources as described on pages ES-3 through ES-5, 32 through 35, 37, and 47 through 48 of the EA.
4. The Preferred Alternative will not jeopardize any species listed as federally threatened or

endangered. See pages ES-4 through ES-5, 34 through 37, and 47 through 48 of the EA.

5. The Preferred Alternative will not result in adverse effects to Historic Properties for the purposes of 36 CFR 800.9(b), by preserving archeological or built resources through conduct of appropriate identification and/or evaluation of significance of resources in accordance with applicable standards and guidelines. Should undiscovered archeological materials be encountered during project ground-disturbing activities, work will stop in the area of discovery and stipulations at 36 CFR 800.11 shall be followed.
6. Impacts to land and water resources are to be mitigated through implementation of erosion control measures described on pages ES-3 through ES-4, 32 through 33, and 47 in the EA..
7. Impacts to air quality are not significant, but construction emissions are to be minimized through dust control measures described on pages ES-4, 34, and 47 in the EA.
8. Impacts to floodplains and wetlands were assessed. No floodplains or wetlands were present in the project area.
9. The cumulative effects to the environment from the Preferred Alternative are not significant.

Based upon the analysis documented in the EA and comments received during the public review period of October 9, 2013 and November 17, 2013 and responses to these comments included in this FONSI, I have determined that the proposed action is not a federal action significantly affecting the quality of the human environment. Therefore, an Environmental Impact Statement (EIS) is not required.

Three comment communications were received, letter from the Boulevard Planning Group (see Attachment 1), letter from the State Clearinghouse and Planning Unit (see Attachment 2) and a telephone communication from Chief Scott Timbs, Campo Reservation Department to Tierra Environmental Services:

- A. Chief Scott Timbs, Campo Reservation Fire Department commented: Complete construction plans shall be submitted to the Campo Fire Department and "the BIA has responsibility for wildland fires on Indian Reservations and that local governments are cooperating agencies with the BIA". Comments noted and accepted.
- B. State Clearinghouse and Planning Unit commented: No Comments, Noted.
- C. Boulevard Planning Group letter contained numerous comments with responses following:
 1. Comment noted.
 2. Commented noted. This comment does not contain any specific information that addresses the adequacy of the EA.
 3. The comments on the much larger Campo Shu'luuk Wind Project are appreciated. However, that is a separate and distinct project from the current proposed wind energy project. The focus of this EA is on the current proposed energy project.

4. Comment noted.
5. There are a few residences located within one-half mile of the proposed project, but none are less than within one-quarter mile. At one-quarter mile, turbine noise can sometimes be heard over ambient noise levels, but not at a significant adverse level, particularly indoors. The proposed wind turbine is not considered to be too close to the structures or people as stated in the comment. The comments regarding noise, vibrations, sound pressure waves, and blade flash/shadow flicker are noted. The proposed wind turbine is not expected to result in adverse impacts upon these conditions.
6. Please see response to Comment 5. The low level of noise produced by a single wind turbine, combined with a lack of sensitive receptors, results in a conclusion that long-term noise impacts would be less than significant.
7. Comment noted.
8. Comment noted.
9. Comment noted.
10. These comments do not address the adequacy of the EA.
11. Comment noted.
12. At this time there is no water being pumped for the ECO Substation project.
13. Comment noted.
14. Comment noted.

For further information, contact John Rydzik, Chief, Division of Environmental Cultural Resource Management and Safety, at the Bureau of Indian Affairs, Pacific Regional Office, 2800 Cottage Way, Sacramento, California 95825, or at (916) 978-6051 or john.rydzik@bia.gov.



Regional Director, Pacific Region

12/3/13

Date

Finding of No Significant Impact
Golden Acorn Wind Turbine
Campo Indian Reservation, San Diego County, California

Attachment 1

Boulevard Planning Group Letter
(November 8, 2013)

1MW Golden Acorn Casino Wind Turbine EA comments

Date: November 8, 2013

TO: Maja Pepion, BIA Environmental Compliance Coordinator for BIA Southern California Agency
1451 Research Park Drive, Suite 100, Riverside, CA 92507 via: maja.pepion@bia.gov

From: Donna Tisdale, Chair Boulevard Planning Group,
619-766-4170; tisdale.donna@gmail.com; PO Box 1272, Boulevard, CA 91905

1 [At our regular meeting held on Thursday, Nov 7th, our elected land use advisory group voted 5-0-0 (one member absent and one seat vacant) to oppose the Golden Acorn 1MW wind turbine based on significant adverse impacts to local tribal and off-reservation residents from the 25 existing 50MW Kumeyaay Wind turbines, that is a matter of public record. These comments are brief due to limited time available. There are less dangerous and quieter alternatives.

2 [The EA includes misinformation and misrepresentations. Claims that there would be no significant adverse impacts from noise to public health and safety, and visual aesthetics and that no mitigation is necessary are not supported by the latest science-based real world studies and are contrary to ongoing complaints related to adverse impacts from the existing 50 MW Kumeyaay Wind project located on land leased from the Campo Band¹. Several linked articles disclose the ongoing suffering that the Kumeyaay wind turbines are inflicting on their impacted neighbors². To date, Infigen has not responded to letters from our Planning Group and have not returned phone calls seeking information and responses.

3 [We incorporate by reference the attached comments that we filed on Draft EIS for Invenergy's Shu'luuk Wind project proposed for Campo Reservation lands, dated 2-25-13.

4 [**Shu luuk Wind voted down by the Band:**

- The EA references Shu'luuk Wind that was voted down by the General Council in June 2013
- Invenergy withdrew their gen-tie application in a letter to SDG&E dated 6-21-13
- SDG&E withdrew their CPUC application for the Shu'luuk Gen-tie in a letter dated 6-21-13

5 [**1 MW Wind turbine will be too close:**

- Too close to Casino and Travel Center employees and patrons
- Too close to tribal residences to the north, east, and south—much closer than the incorrect distance stated in the EA
- Too close to off-reservation residences off of Williams Road immediately north of I-8
- Too close to off-reservation residences off of Church Road and along Old Hwy 80
- The scale on the map included in the EA (Fig 2 in the Bio report) shows existing tribal and off-reservation homes will be located within approximately 1,800-3,600 feet—far less than the 1 mile or so distance stated in the EA.

¹ <http://www.sandiegoreader.com/news/2013/aug/21/cover-wind-turbines-are-everywhere-out-here/?page=2>

² <https://www.wind-watch.org/news/2012/04/24/manzanita-tribe-and-others-at-risk-from-dirty-electricity-from-wind-turbines-expert-warns/>

- The area of potential effects is undetermined due to the nature of wind turbine noise, low-frequency noise, vibrations, sound pressure waves to carry several miles from the turbine itself.
- The same is true for blade flash/shadow flicker which extends out thousands of feet from the turbine itself.
- The latest science-based information documents adverse impacts out several miles with low-frequency vibrations and pressure waves generating health and safety complaints out 3-5 miles and more from wind turbines, depending on the type of turbine, the terrain and the weather conditions.

Noise will be an issue during operation not just construction as stated in the EA:

- Sensitive receptors include employees and customers at the Golden Acorn Casino and Travel Center; tribal residents living north and south of the Golden Acorn Casino; off-reservation residents living in the Live Oak Springs, Tierra Heights, and Crestwood areas near the Golden Acorn Casino and anyone within the low-frequency noise / vibration, turbine blade throw and blade flash/flicker impact zone.
- The La Posta tribal Chairwoman reportedly shut down their small wind turbine after employees complained to her about the noise related increase in feelings of anxiety and general unease.
- Ocotillo residents impacted by Pattern Energy's Ocotillo Wind turbines are reporting adverse impacts related to noise and light pollution³
- 60 neighbors of Iberdrola's Hardscrabble Wind in New York state have sued over nuisance and damages⁴
- Impacted residents living around various wind turbine installations around the globe are suing for damages and negligence.

Electrical pollution:

- A Health Impact Assessment was started for members of the Manzanita Band who are concerned with unexplained health issues that either started with the turbine installations or were exacerbated by their operation.⁵
Samuel Milham, MD MPH has conducted testing around near the turbines impacted homes and found high levels 'dirty electricity' in the ground, air, and EMI entering homes through the common ground wire on the distribution system.

Blade throw event at Ocotillo Wind:

- In May 2012, one of the Ocotillo Wind turbines shed a 10 ton blade that landed across a public access area—the turbine had been in operation less than 6 months⁶
- Turbines need to setback far enough to protect existing uses and users.

³ <http://www.thedesertreview.com/ocotillo/>

⁴ <http://www.uticaod.com/news/x1292891329/60-Herkimer-County-residents-sue-owner-of-wind-farm>

⁵ <http://www.thealpinenews.com/article/manzanita-health-study>

⁶ <http://www.kcet.org/news/rewire/wind/ocotillo-wind-project-shut-down-after-blade-throw.html>

Grid connection?

- If this 1MW wind turbine will connect to the grid through SDG&E's Crestwood Substation, or other manner, it must be approved by the CPUC and / or the California Independent Systems Operator.

Clean up needed at existing wind turbine project site:

- Please direct Invenergy to clean up the discarded wind turbine blades and other components from the base of the Kumeyaay Wind turbines
- They are no longer needed for the now settled multi-million lawsuit between Gamesa and Infigen.
- They represent blight and potential fuel for wildfires. The composite fiberglass are highly flammable.

Golden Eagle and Avian Risk Assessment:

- The EA should include reports of bird kills at Kumeyaay Wind
- Witnesses report that dead birds are gathered from around the turbines on a regular basis.
- Golden Eagles have historically nested in the pine trees on the private in-holding north of the project site and I-8.

Water resources:

- 57 million or so gallons of water are currently being sold by the Campo Band for construction of SDG&E's ECO Substation project.
- It seems odd that water would be imported from El Cajon to support the tribe's own project when they are selling water to SDG&E's controversial ECO Substation project.

Alternatives:

- A 1 MW Solar PV project alternative would be quieter with potentially fewer overall impacts than a towering turbine that generates noise, vibrations shadow flicker and more.
- If installed on a parking shade structure it could serve two purposes at once
- Lane Sharman with the San Diego Energy Foundation requested during our November 7th meeting for his contact information to be provided to the Band to discuss a variety of renewable energy/storage alternatives to the 1 MW turbine. 858-755-2868; lane@solanaenergy.com
- Fuel cells and combined heat and power units are additional alternatives.

Mitigation:

- The Band should retain the right to curtail the wind turbine in the event it creates a nuisance or danger to Casino and Travel Center employees and patrons, or to impacted residents.

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Finding of No Significant Impact
Golden Acorn Wind Turbine
Campo Indian Reservation, San Diego County, California

Attachment 2

State Clearinghouse and Planning Unit Letter
(November 8, 2013)



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

November 8, 2013

Maja Pepion
U.S. Bureau of Indian Affairs, Southern CA Agency
1451 Research Park Drive, Suite 100
Riverside, CA 92507

Subject: EA for the Golden Acorn Wind Turbine
SCH#: 2013104002

Dear Maja Pepion:

The State Clearinghouse submitted the above named Environmental Assessment to selected state agencies for review. The review period closed on November 7, 2013, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

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1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report
State Clearinghouse Data Base**

SCH# 2013104002
Project Title EA for the Golden Acorn Wind Turbine
Lead Agency Bureau of Indian Affairs

Type EA Environmental Assessment
Description The proposed Project is located within the existing 33-acre development footprint of the Golden Acorn Casino and Travel Center, Campo, CA. The Proposed Action consists of approval of a 20-year lease agreement between the Band and the Foundation Windpower, LLC, with the possibility of an additional 5-year extension, for a total of 25 years, for 0.2 acre for the installation and operation of a 1 MW wind turbine on a site measuring approximately 7854 sf on the Reservation. The wind turbine would be connected by approximately 1000 ft of underground power line to the existing Golden Acorn Casino and Travel Center.

Lead Agency Contact

Name Maja Pepion
Agency U.S. Bureau of Indian Affairs, Southern CA Agency
Phone 951 276 6624 x259 **Fax**
email
Address 1451 Research Park Drive, Suite 100
City Riverside **State** CA **Zip** 92507

Project Location

County San Diego
City
Region
Lat / Long
Cross Streets I-8 and Hwy 80
Parcel No.
Township 17S **Range** 6E **Section** 15 **Base** SBB&M

Proximity to:

Highways Hwy 94
Airports No
Railways No
Waterways Campo Creek
Schools No
Land Use

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 11; Air Resources Board; Regional Water Quality Control Board, Region 9; California Energy Commission; Native American Heritage Commission; Public Utilities Commission

Date Received 10/09/2013 **Start of Review** 10/09/2013 **End of Review** 11/07/2013