

THE PROTECT OUR COMMUNITIES FOUNDATION (POC) & BACKCOUNTRY AGAINST DUMPS (BAD)

June 18, 2013: FOR IMMEDIATE RELEASE:

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POC Secretary, BAD President, and Chair of Boulevard Planning Group

San Diego County Supervisors are being sued over their May 15th approval of the technically and legally flawed Wind Energy Ordinance & Plan Amendment—that benefits wealthy industrial wind and solar developers, San Diego Gas & Electric, Sempra, and absentee land-owners at the expense of rural east county residents and valued resources--when viable point of use alternatives in the already built environment are available (roof top solar, combined heat & power, fuel cells, and more)

The Boulevard Community Plan, approved by the Supervisors in August 2011 with the General Plan Update, was gutted and noise waivers granted to Tule Wind--opening the doors for conversion of wildfire-prone rural neighborhoods and iconic landscapes into industrial wind, solar, and transmission corridor sacrifice zones and noisy electrical firetraps. Most San Diegans have no clue of what is planned.



Photo credit: Bill Parsons: View from Boulevard's Tierra Del Sol Road of the Sierra Juarez mountain range looking across Jewel Valley and Jacumba Valley—where real people and diverse wildlife now reside. Wind turbines close to 500 feet tall have been proposed by Enel Green Power on the Tierra Del Sol ridgeline in the foreground and on the distant Sierra Juarez ridgeline in Northern Baja by SDG&E's parent Sempra. The two photos, below, of Soitec Solar's experimental Concentrator PV unit at UCSD, show just one of the close to 7,300 glaring Soitec CPV modules planned to cover approximately 1,500 acres (2.3 square miles) of Boulevard's carbon sequestering ranchland and chaparral habitat—next to homes and recreation areas. The square footage of Soitec's four Boulevard projects is equal to about 48 Walmart Supercenters.



June 18, 2013 San Diego, CA: The California Environmental Quality Act (CEQA) complaint was filed last week by Stephan C. Volker of Volker Law on behalf of two rural East County grassroots non-profit groups. It challenges the San Diego County Board of Supervisors May 15th 4-1 vote approving the Wind Energy Ordinance and Plan Amendment that sacrifices predominantly low-income rural communities and valued resources for unreliable, intermittent, and expensive industrial-scale wind and solar projects. These rural projects also require billions of dollars for new fire-sparking webs of electrical transmission lines and massive new substations—all in underserved areas zoned by Cal Fire as Very High Fire Hazard Severity Zones that are ripe for catastrophic firestorms—and all heavily subsidized by mostly unwilling tax and ratepayers (Fire hazard map: http://frap.cdf.ca.gov/webdata/maps/san_diego/fhszs_map.37.pdf).

The Wind Ordinance lawsuit is based on the following issues:

- ✓ Violation of applicable laws, including but not limited to CEQA, San Diego County Zoning Ordinance, the Planning and Zoning Law, and the Code of Civil Procedure
- ✓ Inadequate CEQA review of wind turbine-generated infrasound, low-frequency noise, vibrations, electrical and light pollution impacts, general wind turbine safety issues such as blade-throw or tower collapse, and feasible distributed generation alternatives.
- ✓ Failure to support Statement of Overriding Considerations with substantial evidence.

The Final EIR recognized at least 24 significant and unavoidable adverse impacts

(<http://www.sdcounty.ca.gov/pds/advance/BOSMay8POD10-007.html>):

- ✓ excessive noise and ground-borne vibrations
- ✓ permanent increase in ambient noise
- ✓ wild land fire
- ✓ visual, biological, cultural and recreation resources;
- ✓ land use; division of communities; community character and more

Iberdrola, Spanish utility developer of Tule Wind in Boulevard's McCain Valley, major Gamesa turbine stakeholder and recipient of over \$1 billion in taxpayer subsidies, was granted an unjustified and dangerous noise waiver by claiming there will be no unmitigable adverse impacts to residents, wildlife, or public recreation and conservation areas—in direct contradiction to real world impacts:

- ✓ Mark Batasch, P.E., INCE, (CH2M Hill, Inc) the same noise expert that successfully testified for Iberdrola, seeking County approvals and noise waivers for Tule Wind, is being sued by 60 neighbors of Iberdrola's Hardscrabble Wind in New York state for '*professional negligence*', and more. Adverse noise and other impacts have resulted in the abandonment of several homes within 2 miles of those turbines: <http://windeffects.org/iberdrola-hardscrabble-complaint/#.UYQXDrWbMfy>; <http://www.fox23news.com/news/local/story/Special-Report-Is-going-green-destroying-the/b9mYUXWlv0eZfsrgPCJHYw.csp>
- ✓ Local Golden Eagle expert, Dave Bittner, recently pled guilty to federal charges of unlawful take, working on expired permit and failure to report *data since 2006—while working on Tule Wind*. Bittner is scheduled for sentencing in Federal Court in San Diego on July 11th.
- ✓ Iberdrola wind turbines have caught fire and collapsed at other projects located in Colorado, Idaho, Iowa, North Dakota, Oregon, and elsewhere (see details and photographs in Tisdale's attached May 8th PowerPoint presentation).

Quotes from Donna Tisdale:

1. "Boulevard has first-hand experience with adverse impacts from wind turbines including catastrophic failures at Buckeye Wind in the 80's with one fatality, closure of Tierra Del Sol Road, and at least one blade thrown almost 1 mile away, and at Infigen's Kumeyaay Wind in 2009 where turbine parts were thrown about ¼ mile and all 75 blades and other components had to be replaced. Yesterday, Gamesa and Infigen announced settlement of their years-long \$30 million plus lawsuit over the catastrophic failure at Kumeyaay Wind without disclosure of the cause: http://www.nawindpower.com/naw/e107_plugins/content/content.php?content.11650
2. "Iberdrola, Soitec, SDG&E, Semptra, Sol Orchard, and other wind & solar developers are being granted lucrative special privileges and immunities at the expense of the health, safety, and socioeconomic well being of disproportionately impacted rural residents--in direct violation of our state and federal constitutional rights for equal protection under the law".
3. "In my opinion, Wind Industry actions and orchestrated claims denying adverse impacts to public health and safety and sensitive resources meet the legal definitions of Deceit, Constructive Fraud and Fraud."