

March 3, 2018

SUBJECT: THE TWO SOLAR PROJECT APPLICATIONS IN AND AROUND NEWBERRY
SPRINGS

TO WHOM IT MAY CONCERN:

There has been much controversy about how to deal with the two unwanted solar projects which threaten this community. Various well-meaning concerned citizens have made suggestions, none of which I wholly agree with. My thoughts are as follows:

- 1--The California Environmental Quality Act protections were designed for a community where, in this case, the County, has the community's best interests at heart. That isn't the case in this instance. The County Supervisors are firmly lined up with the bad guys.
- 2--So in this case, the California Environmental Quality Act (CEQA) isn't going to save Newberry Springs from adverse environmental impacts. See Public Resources Code, Division 13, Section 21002.1 (c) If economic, social or other conditions make infeasible to mitigate one or more significant effects on the environment of a project, the project may nonetheless be carried out or approved at the discretion of a public agency if the project is otherwise permissible under applicable laws and regulations.....

So, if Supervisor Lovingood wants to site a live bombing range in Newberry Springs, CEQA can't by itself stop it from happening.

- 3--There are County Development Code laws which each proposed solar project would violate. They are at Section 84.29.035 which recites 31 requirements that a proposed commercial solar energy facility must comply with. All 31 requirements. I can guarantee you that the County Land Use Services Department now knows that neither project can meet all 31 requirements.
- 4--Probably no environmental law-suit against San Bernardino County has a fair chance in our County court system. Think federal court system. Think Clean Air Act.
- 5--The Morongo Basin and Lucerne Valley industrial solar groups are impressive. Seek their advice as to strategy.
- 6--A civil rights complaint from the Newberry Springs Community Services District to the U.S. Department of Justice, Civil Rights Division, claiming a denial of our civil rights, as a small rural, economically disadvantaged community, would not cost a dime. We could claim environmental racism, and seek protection under Title 42, Section 1983, et seq. That would stir up some media attention. You could mention in the complaint that Judicial Watch, in February, 2017 issue of The Verdict rates San Bernardino County as one of three most corrupt governments in U.S.A.
- 7--In a May 15, 2015 letter to Robert Berkman, LAFCO Executive Officer, Kathleen Rollings-McDonald states "...the spending of funds on functions beyond its authorized powers would be in violation of state law." This is reference to the Newberry Community Services District.

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- 8--The Kiewit Pacific Co. settlement agreement with Newberry Springs CSD, dated November 5, 2004, in which \$350,000 was paid to our CSD under duress by Kiewit, in my opinion set a trap to get their money back in the next to last two paragraphs on page two of that agreement, whereby they could sue to retrieve the settlement money if spent by the CSD in violation of the laws of California.
- Probably by now one or the other of the solar project applicants have been in touch with Kiewit Pacific Co. Their moles are here.
- 9--I know casually the president of an international public relations firm who is a long-time owner of vacant land in Newberry Springs. He might have some media ideas.
- 10--Would it be possible to get some very well educated local people involved in this issue? Debra Hughson is the Science Officer at the National Park Service. Liana Aker is a project manager biologist at Fort Irwin. There may be others quietly living here.
- 11--If she could find the time to do so, Karen Gray might be a good project leader and spokesperson for the community. Whoever it is needs a good education and strong leadership qualities.
- 12--There will be "moles" in any project opposition group that is established. Standard procedure for an adverse-industry project.
- 13--Keep in mind that County Land Use Services staff is probably on our side, but under heavy pressure from Lovingood and Ramos to violate their professional standards.

On another subject, the prospective developers of a \$300 million resort/entertainment project at Lake Dolores, with whom I've been in contact with since last May are now overseas attempting to round up needed investors. Who knows if they will be successful, but if they do it, this community will be getting lots of attention.

Sincerely,

Fred Stearn

