

Newberry Community Services District

Established 1958

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County of San Bernardino
Land Use Services Department
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Dear Mr. Nieves,

The Newberry Community Services District has the following powers: Fire Protection, Parks and Recreation, Streetlights, and Water. Although the community of Newberry Springs is the most affected community of the Daggett Solar Power Facility it is not significantly regarded in this EIR. As Elected representatives of the Newberry Springs Community, the Newberry Community Services District Board of Directors expresses our concern that the Daggett Solar Power Facility Draft EIR contains numerous significant errors and defects that will cause significant adverse environmental impacts. The CSD Board submits that the Daggett Solar Power Facility project ("the project") must be halted absent the addition of numerous specific, substantial and enforceable changes to the project. These significant defects and errors include but are not limited to the following:

1. Section 3.14 Effects found not to be significant; Population and Housing; Fire Protection

It says, "Fire protection services for the project area are provided by the Daggett Fire Department. The department's fire station is approximately 1.5 miles to the west of the project site at 33702 Second Street in Daggett. Additionally, the Barstow Fire Protection District station is approximately 12 miles west of the project site at 861 Barstow Road in Barstow and would be available to back up the Daggett Fire Department if necessary." By ignoring Newberry Springs, this assessment is incomplete, therefore false and should be corrected, for the following reason. **Phase 3 of this project is totally in the community of Newberry Springs and served by the Newberry Springs Volunteer Fire Dept., not the Daggett Volunteer Fire Dept.** The Newberry Springs Volunteer Fire Dept. is approximately 6 miles east of Mineola road and Silver Valley Rd. This brings up a significant question. If the Public Safety Services Impact Fees are paid as if in the Daggett CSD area, excluding Newberry Springs, what is the process to assure the Newberry Springs CSD receives its fair share?

2. Section 3.1 - AESTHETICS AND VISUAL RESOURCES

The project's conclusions that the project would result in a "moderately low change to views from Interstate 40 is faulty because the selection of key observation points (KOPs) is faulty. Specifically, the major viewshed impact is on thousands of tourists and motorists traversing the nearby Interstate 40 each day. Their view is elevated with respect to the project site and affords an excellent view of the project site. Only one KOP (KOP2) has been chosen to represent this impact. The project's conclusion that "The project would result in a moderately low change to views from I-40" is faulty because KOP 2 was selected to be the "on ramp" to Interstate 40 rather than to be the view from Interstate 40 itself. The on ramp is substantially lower than Interstate 40 itself and fails to properly reflect the much wider and longer view that tourists and motorists have from the roadway of Interstate 40.

3. Section 3.3 - AIR QUALITY

Airborne dust levels from proposed site grading must be mitigated via an effective "dust control plan". Without an effective dust control plan and mitigation process, including effective site maintenance and plan enforcement, the dust raised by breaking the topsoil layer and by the subsequent grading raises potentially significant human health issues and potentially significant aircraft flight safety issues.

4. Section 3.4 - BIOLOGICAL RESOURCES

Desert tortoises which have been listed as "endangered" by the U.S. Fish and Wildlife Service since 1990 inhabit both the proposed project area and the surrounding area. The desert tortoise has been listed as "threatened" by the US FWS since 1990. The project's claim that the proposed site has a low potential for desert tortoise occurrence is false because of area roadways is incorrect. Tortoises have been observed in and on roadways in the area. The presence of an occasional roadway does not support the project's claim that desert tortoises do not exist in within the project area. The project's claim that no tortoises were detected during one survey in 2018 also does not support the claim that desert tortoises do not exist within the project area.

In addition, the project area is also desert kit fox habitat. The DEIR reports that the kit fox had been observed on the project site. The state of California has been petitioned to list the desert kit fox as endangered due primarily to habitat degradation and habitat loss. Specifically, modification or destruction of habitat cited as posing the primary threat to the survival of the desert kit fox. The project's proposal to reduce the impact to desert kit fox by educating on-site workers to "avoid the species" would be laughable if it weren't so tragic.

5. Section 3.6 - GEOLOGY AND SOILS

The project's assertion that following the requirements of the California Building Code (CBC) are sufficient to mitigate the occurrence of airborne dust within a known desert "wind transport corridor" is unconvincing and unsupported. Construction of the project will create a significant and enduring wind-borne dust hazard to area residents. In addition, the project's dust mitigation measures are vague and unconvincing.

6. Section 3.8 - HAZARDS AND HAZARDOUS MATERIALS

The project's conclusion that project hazards are "less than significant" is unconvincing. The project proposes 450 megawatts of on-site battery storage encompassing a total area of 16 acres and (likely) using highly energetic lithium-ion battery technology. Lithium ion batteries are well known as sources of high intensity fires as evidenced by recent news items describing Boeing aircraft 787 lithium battery fires and Tesla motorcar lithium battery fires. The project's conclusion that any such fires could be automatically extinguished is highly questionable. Further, local rural fire departments are not equipped to extinguish such fires.

7. Section 3.9 - HYDROLOGY AND WATER QUALITY

The project acknowledges that its water use will have a "significant and unavoidable" negative impact on local ground water supplies and that "no feasible mitigation measures are available" to predict the magnitude of this impacts. Local groundwater is already being extracted faster than it is being or can be replenished. This fact alone is sufficient to justify termination of this project.

8. AIRCRAFT AND COMMERCIAL TRANSPORTATION CONCERNS

(a). Aircraft Traffic

Section 3.12 - TRANSPORTATION AND TRAFFIC

Construction of the project would result in multiple aircraft and airport safety issues, including but not limited to the following:

- a. The glint/glare analysis is lacking.
- b. The DEIR ignores impacts to aircraft in the airport traffic pattern.
- c. Windblown dust will obscure pilot views on takeoff, while in the pattern and when landing.
- d. Windblown dust will accelerate aircraft engine wear and may even cause engine failure on takeoff.
- e. Windblown dust will negatively impact both U.S. Army helicopter operations general aviation flight operations.

(b). Commercial / Construction Traffic

SECTION 3.12 – TRANSPORTATION AND TRAFFIC

Construction of the project would result in multiple traffic and roadway concerns, including but not limited to the following:

- a. The Increase of commercial truck traffic that is not normal for the area.
- b. The increased truck and construction vehicle traffic on local roadways will lead to early repairs which is not addressed in the DIER.
- c. A roadway restoration plan, including funding, is not addressed in the DIER to mitigate the destruction or lifespan depletion of local roadway system

9. County will lose tax dollars as value of surrounding homes decrease. Increase in road maintenance. Few if any local jobs created; 25+/- jobs lost. No increase in property tax on Project land. Losses of view scape as arrays proposed are 15-20 feet. Since Newberry CSD depends on Property Taxes, we could see a decline in our income which would affect our ability to provide services to our community.

10. Residents will be forced to sell their properties due to plummeting values, negative effects to the localized property values, health issues-concerns. All of this as a result of being subjected to incurable, external obsolescence directly attributed to this project's action-activities.

Finally, the project substantially and repeatedly violates many sections of San Bernardino County Solar Ordinance #4213

For all the above reasons, absent the many needed significant mitigation and enforcement measures, the Newberry CSD urges that this project be terminated.

Respectfully,


Robert Springer

President, Newberry CSD Board of Directors

4/26/19