

February 28, 2014

Mr. Tom Hudson, Director
Land Use Services Department
San Bernardino County
385 North Arrowhead Ave, First Floor
San Bernardino, CA 92415-0187

SUBJECT: PUBLIC RECORDS ACT REQUEST RE THE SOITEC SOLAR ENERGY PROJECT ON
MT. VIEW ROAD IN NEWBERRY SPRINGS AND SOME BACKGROUND HISTORY FOR
SAID REQUEST: PROJECT NUMBER P200900339. GOVERNMENT CODE SECTION
6250 ET SEQ.

Dear Mr. Hudson:

CEQA-NOW is an ad-hoc Newberry Springs group interested in local environmental issues, focused on the sustainability of our vulnerable natural and scenic resources. We seek to participate in professional planning efforts by the County and encourage more scoping efforts by County staff for controversial project applications. We would like to be put on a mailing list for all development proposals in the Newberry Springs area, other than for "Allowed Uses".

There is a perception hereabouts that the County views Newberry Springs as an informal dumping ground for adverse industries. It probably began in the late 1970's with two County Supervisors apparently cutting a deal to move the environmentally unfriendly dairy industry from Chino to Newberry Springs. There was a large battle over than issue and the County finally backed off after the first dairy was approved and a defensive lawsuit by the Newberry Springs Water Association. A number of other nasty projects made applications to develop here in the ensuing years. Some were approved and some gave up for various reasons. But the County seems to keep steering the nasty project applicants to Newberry Springs. The Soitec solar energy project being the most recent example: A utility-scale solar energy project on about 20-plus acres dumped into the middle of a residential area, obstructing the now degraded view of the Newberry Mountains Wilderness Area, about two miles directly south of the Soitec project, which consists of 27-foot tall ugly metal towers. This is a classic example of scattersite zoning, in violation of the basic precepts of professional zoning.

The major issue with the SOITEC project is how did the County allow (if they did allow) the applicant to increase the height of the solar panels to 27 feet from seven feet, which was the proposed height of the panels at the Planning Commission hearings. The Planning Commission Staff Report by County Planner Mr. Chema Ude also had a number of proposed mitigations to reduce environmental impacts, as suggested conditions of approval for the project's Conditional Use Permit.

Many if not all of those proposed mitigations seemed to have somehow "disappeared". In addition to the height restriction of seven feet, the living-fence to screen the visual impacts has somehow disappeared and soil stabilization to reduce blowing sand has "disappeared", and road improvements have "disappeared", etc.

We submitted 14 questions about our concerns to SOITEC recently and yesterday two SOITEC representatives met with us in Newberry Springs to discuss our

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questions. The two SOITEC people at that meeting were Patrick Brown, Permitting Manager and Karen Hutchens, Media and Communications Advisor. We were handed six pages of written comments, which skirted some questions. In reply to our #5 question: "Can you provide signed applications for any amended conditions of approval and signed approvals for any amended conditions of approval (for the local SOITEC project on Mt. View Road) Mr. Brown stated that they had not retained those records. He looked and sounded quite serious when he made that statement, and that was the end of that request as far as he was concerned.

We have been advised by an apparently informed source that this same Mr. Patrick Brown was the San Diego County Department of Planning and Development's Project Manager assigned to review SOITEC's solar applications then pending in San Diego County until he switched jobs and went to work for SOITEC. Probably no rules against that action, but not a confidence builder from our standpoint.

Our suspicion is that the SOITEC project in Newberry Springs on Mt. View Road may not be in full compliance with the County's Conditional Use Permit conditions of approval, and that brings us to the below formal request for the following public records:

PUBLIC RECORDS NOW REQUESTED:

- 1--A list of Mr. Chema Ude's proposed conditions of approval for the SOITEC Project Number P200900339 and any subsequent revised conditions of approval.
- 2--A copy of any final inspection approvals or notices of violation issued by the County for said project.
- 3--We were handed a document by the two SOITEC representatives titled CEQA Addendum To The Mitigated Negative Declaration, with the Applicant being identified as Newberry Solar 1, LLC. Staff Contact is shown as Doug Feremenga. We presume that the County was required to give public notice inre the consideration and adoption of a Mitigated Negative Declaration Addendum that is apparently quite different from the publication of notice for the original Mitigated Negative Declaration. Can you please provide us with a copy of your published public notice inre the Addendum?

The document we were handed by SOITEC is without any County stamp or anyone's signature and therefore we wonder if it is actually an official document.
- 4--Can you provide a copy of the CEQA Addendum referenced in item #3, which is an official, controlling document, so we may compare it with the document provided by SOITEC?
- 5--If we are entitled to receive certified copies of the above public records, we hereby are requesting certified copies of the records referenced above in items #1 through #4.

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If CEQA-NOW does not qualify for the public interest group public records act fee exemption, I will pay up to \$100.00 for the requested public records. A check is enclosed for that amount from a CEQA-NOW member.

Thank you very much for your time and consideration.

Sincerely,



Robert Berkman, President
CEQA-NOW
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CC: SUPERVISOR ROBERT LOVINGOOD, ATT: MR. RON FRAME, FIELD REPRESENTATIVE
CC: MR. ROBERT HINGTGEN, SOITEC PROJECT MANAGER, SAN DIEGO COUNTY DEPARTMENT
OF PLANNING AND DEVELOPMENT (with request for submittal into SOITEC's
public comments file for Boulevard, California area project proposal)
CC: MR. ROBERT VASSEUR, DIRECTOR, NEWBERRY SPRINGS COMMUNITY SERVICES DISTRICT
CC: MR. LE HAYES, GENERAL MANAGER, NEWBERRY SPRINGS COMMUNITY SERVICES DISTRICT
CC: MS. PAULETTE MARSHALL, PRESIDENT, NEWBERRY SPRINGS SENIOR SERVICES CENTER
CC: MR. TED STIMPFEL, NEWBERRY SPRINGS COMMUNITY ALLIANCE
CC: DR. GAVIN ERASMUS, ATTORNEY-AT-LAW
CC: DR. DEBRA HUGHSON, SCIENCE OFFICER, NPS
CC: MR. AND MRS. JAMES JOHNSON, NEWBERRY SPRINGS
CC: MS. MIRIAM RAFTERY, EDITOR, EAST COUNTY MAGAZINE
CC: MR. JEFF MCDONALD, REPORTER, SAN DIEGO UNION TRIBUNE
CC: MR. GEOFF FISK, REPORTER, DESERT DISPATCH
CC: MS. BROOKE SELF, REPORTER, DAILY PRESS
CC: EDITOR, LOS ANGELES TIMES
CC: MR. JOE LITTLE, CHANNEL 10 NEWS, ABC 10
CC: MS. DONNA TISDALE

CC: MR. PATRICK BROWN, PERMITTING MANAGER, SOITEC, 619-733-2649
CC: MS. KAREN HUTCHENS, MEDIA AND COMMUNICATIONS ADVISOR, SOITEC, 858-746-9016
OR 619-985-7800