

Newberry Springs Community Alliance

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December 18, 2023

County of San Bernardino
Attn: Jim Morrissey, Planner
Land Use Services Department, Planning Division
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Sent via e-mail: Jim.Morrissey@lus.sbcounty.gov

Public Comment in Opposition to the BMT Minneola Solar Project PROJ-2022-00071 SCH Number 2023110357

Introduction

Founded by residents and property owners in Newberry Springs, California, the Newberry Springs Community Alliance is a grassroots Community Based Organization (CBO) dedicated to protecting the community's quality of life and environmental health. The Alliance opposes the BMT Minneola Solar project, believing it would negatively impact the area where its members live, work, and play.

Preface

This letter is being prefaced with the fact that San Bernardino County's ('County') operation is under the supervision and control of the County's Board of Supervisors.

The County was extremely negligent with its earlier siting in the Mojave Valley the Solutions for Utilities, Inc. Phase 1 & 2 (now 'Soitec') solar project, the Daggett Solar Power Facility project (hereinafter 'Clearway'), the Daggett Solar 66 Project, and the Daggett Solar 33 Project.

As testified to by members of the community of Newberry Springs, and others, on each of these projects during their public licensing debate, the Mojave Valley has a Sand Transport Path, that prohibits the safe establishment of any industrial photovoltaic solar facility upwind to Newberry Springs.

The negative impacts of these County-authorized solar facilities, particularly the decade-old Soitec, and the now nearly completed Clearway facility, have been more destructive to Newberry Springs than the dire prior projections that were forecasted to the County during the permitting process by the residents. The residents live in and understand their natural elements.

Damages from the County-placed solar projects in the Mojave Valley are being recorded and archived by the residents.

Please take note that the Board of Supervisors is directly responsible for the negligent permitting of these hazardous solar facilities. By state law, as elected officials, the Board of Supervisors hold a fiduciary relationship with their constituents. In short, this means that the Board members have the legal obligation to always act in the best interests of the people they represent. This fundamental duty is based on the legal principle that elected officials hold a position of trust and responsibility to their constituents. (Thomson v. Call, supra, 38 Cal.3d at p. 648; Stigall v. City of Taft (1962) 58 Cal. 2d 565, 569 [25 Cal. Rptr. 441, 375 P.2d 289].)

Note, the legal obligation is for the performance of the best interests of the constituents, not to outside solar developers, the people in other areas of the state, or the promoters of the Climate Change theory in Sacramento who are trying to save the world. In a recent California Supreme Court decision, the Court recognized that the common law rule in Government Code § 1090 recognized the truism that a person cannot serve two masters simultaneously. (Lexin v. Superior Court, 47 Cal. 4th 1050, 1073 (2010); see, also, Thomson v. Call, 35 Cal. 3d 633, 63.)

The County Supervisors' breach of their fiduciary duty to protect the safety of Newberry Springs residents may play a major role should the residents seek recovery for their severe health and property damages. The Supervisors' actions and inactions have resulted in an unconstitutional taking of the constituents' rights, including the right to health, property rights, and the right to a clean environment. The placement of industrial solar facilities in Sand Transport Paths has caused residents in the Mojave Valley, the Morongo Basin, and elsewhere to suffer from respiratory problems, decreased property values, and environmental damage.

Environmental and Social Justice has been illegally suppressed by the County in its previous solar considerations in the Mojave Valley. The County, as the lead agency behind Clearway's Environmental Impact Report ('EIR'), has claimed (contrary to the public's written input) that "*CEQA requires an analysis of physical impacts to the environment; it does not require analysis of social and economic impacts.*" This printed response is dead wrong and the Attorney General has directly advised the County on it a decade earlier. Further ignored are case laws and state law, such as portions of California Government Code § 65040.12. California Senate Bill 1000 (2016) on Environmental Justice does exist.

Contrary to previous County response statements, people are defined as part of the environment. This has been emphatically stated in an Attorney General Opinion dated July 10, 2012. I hereby attach by reference, as though fully set forth hereto, the Attorney General's Opinion, Environmental Justice at the Local and Regional Level, Legal Background. It can be located at the URL:

https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf

Despite this Opinion having been repeatedly hammered by members of the public to the County's Land Use Services Department, the Planning Commissioners, and the Board of Supervisors, the Opinion has been systematically ignored by all County officials in favor of the developers. The County's injuries to the public have been willful, reckless, and wanton.

The community of Newberry Springs has been grossly overburdened by solar facilities being placed upwind that have disturbed the desert soil crust within a Sand Transport Path. The soil disturbances by the solar projects are allowing ever-increasing amounts of aeolian sand and deadly crystalline silica dust (airborne particles of respirable size) of 'high to very high' rated blow propensity to regularly blanket the community. Since 1988, crystalline silica has been listed under California Proposition 65 as a chemical known to the State to cause cancer.

The crystalline silica causes very similar damage to the lungs and other body organs as asbestos and the microscopic crystalline silica can stay suspended in the air for days after a light wind. Winds are common and regularly blow in the Mojave Valley.

The Soitec solar project, the first industrial solar project within Newberry Springs, should have been a wake-up for the County. This 27-acre project has caused severe sand drifts and literal chaos to the residences directly east of the project. Yet, despite having full knowledge of this damage in a Sand Transport Path, the County has venomously doubled down against Newberry Springs by authorizing the 5.5-square-mile Clearway project upwind and within the community. The County then tripled down by authorizing the Daggett Solar 66 Project, and then again quad down with the Daggett Solar 33 Project. Now comes the BMT Minneola Solar.

Newberry Springs has many young and elderly residents who are acutely sensitive receptors to the hazardous silica dust that is being emitted by the solar projects. Before the solar farms, Newberry Springs residents had a higher rate of hospitalizations for respiratory ailments than the county average. The solar projects have now greatly burdened the complexity of the respiratory problems.

The Attorney General's Opinion of July 10, 2012, clearly states, "*In addition, CEQA requires a lead agency to consider whether a project's effects, while they might appear limited on their own, are "cumulatively considerable" and therefore significant. (Pub. Res. Code, § 21083, subd. (b)(3).) "[C]umulatively considerable' means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.*" (Id.) This requires a local lead agency to determine whether pollution from a proposed project will have significant effects on any nearby communities, when considered together with any pollution burdens those communities already are bearing, or may bear from probable future projects. Accordingly, the fact that an area already is polluted makes it more likely that any additional, unmitigated pollution will be significant. Where there already is a high pollution burden on a

community, the "relevant question" is "whether any additional amount" of pollution "should be considered significant in light of the serious nature" of the existing problem. (Hanford, supra, 221 Cal.App.3d at 661; see also Los Angeles Unified School Dist. v. City of Los Angeles (1997) 58 Cal.App.4th 1019, 1025 [holding that "the relevant issue ... is not the relative amount of traffic noise resulting from the project when compared to existing traffic noise, but whether any additional amount of traffic noise should be considered significant in light of the serious nature of the traffic noise problem already existing around the schools."])

The injuries to Newberry Springs from these projects are ongoing and a few residents are beginning to address the matter with the developer. It is reasonable to expect that the majority of the residents will eventually want the County to reimburse them for the health injuries and the property damages that are being unlawfully inflicted upon them. The County had the responsibility to protect them and maliciously refused.

The County is responsible for knowingly permitting the poisoning of the air that the residents must breathe. Like PG&E's poisoning of the water in Hinkley and then buying up the land, the County now needs to mitigate its caused injuries by purchasing the homes and businesses in Newberry Springs.

PG&E delivered bottled water to the residents of Hinkley, however, the County can not supply 24-hour bottled safe air to the residents of Newberry Springs.

The Mojave Valley has been permitted by the Board of Supervisors to be the dumping grounds for photovoltaic solar facilities despite the County's full knowledge of the carcinogenic crystalline silica danger. The BMT Minneola Solar's **Initial Study ('IS')** is yet another malicious sham report to allow more toxic hazards to be placed on Newberry Springs.

Similarly, as a CONDITION OF APPROVAL of the Daggett Solar Power Facility (P2017679) Conditional Use Permit, the owner (Clearway) is required under item 19, Continuous Maintenance, "*The Project property owner shall continually maintain the property so that it is not visually derelict **and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties.** The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:*

(Selected) c. *Dust control: The developer shall maintain dust control measures on any **undeveloped** areas where soil stabilization is required.*" (Bold emphasis added.)

Note: Whenever the residents have complained to the County of massive sand and dust blowing from the Clearway project, at times so bad that the California Highway Patrol has had to close a major community thoroughfare, the County has refused to act to police its above CONDITION. Instead, County officials have repeatedly flipped the

residents to the Mojave Desert Air Quality Management District (MDAQMD), claiming that the MDAQMD handles air quality complaints. Likewise, the MDAQMD has been inept (elaborated below). Under the selected subsection 'c' (above) the obvious loophole is that the entire project is considered developed, therefore, the developer is given a free pass as 'c' is about undeveloped areas.

Another CONDITION OF APPROVAL for the Clearway project is item 18 which reads in part, "*Additional Permits. The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use.*"

As covered in this letter, the developer has trumped upon and ignored Federal, State, and County health and safety regulations with impunity.

Points of Opposition

- While the promoters of BMT Solar are presenting the proposal under the guise of a Community Oriented Renewable Energy (CORE) project, it is not a project that the neighbors across the road from it want. Nor does Newberry Springs want it. This project would only add to the cumulative carcinogenic crystalline silica dust. The project represents an additional spread of a recognized toxic matter upon an Environmental Justice Focus Area. The project is in direct conflict with Social and Environmental Justice, and the project by its placement requires by law a full Environment Impact Study.

- The project's IS fails to address and establish a reasonable ability for the County to declare an end-to-life determination on the project and to subject the project to an environmentally friendly removal. The current language is inadequate. The existing 27-acre Soitec solar project in Newberry Springs, after only a decade, is now a broken-down facility and a community eyesore that needs to be removed. To avoid or delay the expense of removal or to bring the facility up to proper operation standards, the owner reportedly has declared the site an experimental facility. San Bernardino County has failed to inspect and hold the owner responsible for the purpose of the licensed permit.

The County lacks and needs stronger permit language to decommission a derelict solar facility and it needs the willingness to inspect and decommission a facility should a solar operation fall below a reasonable standard of operational care (which needs to be defined in the Code) for which a permit was issued. Failure to have done this may now lead to the 5.5-square-mile Clearway project, covered with hazardous photovoltaic materials, to be later abandoned for decades if neglect is found to be more economical for the owner.

The County needs muscle to prevent owners from walking away from maintenance and continued operation for which a facility is permitted.



Junkyard of inoperative Soitec solar trackers.

• INITIAL STUDY/MITIGATED NEGATIVE DECLARATION - ENVIRONMENTAL CHECKLIST FORM

This form is faulty regarding the environmental factors potentially affected.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below will be potentially affected by this Project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry Resources	<input type="checkbox"/>	Air Quality
<input checked="" type="checkbox"/>	Biological Resources	<input checked="" type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Energy
<input type="checkbox"/>	Geology/Soils	<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards & Hazardous Materials
<input type="checkbox"/>	Hydrology/Water Quality	<input type="checkbox"/>	Land Use/Planning	<input type="checkbox"/>	Mineral Resources
<input type="checkbox"/>	Noise	<input type="checkbox"/>	Population/Housing	<input type="checkbox"/>	Public Services
<input type="checkbox"/>	Recreation	<input type="checkbox"/>	Transportation	<input checked="" type="checkbox"/>	Tribal Cultural Resources
<input type="checkbox"/>	Utilities/Service Systems	<input type="checkbox"/>	Wildfire	<input type="checkbox"/>	Mandatory Findings of Significance

Above, is a snippet of the page 9 chart of the BMT Initial Study/Mitigated Negative Declaration.

Unchecked on page 9 is the **Aesthetics** of the desert viewscape. The IS ignores that the site is within view of Interstate-40 and adjacent to the state's Historic Route 66, a county Scenic Route, and now an esteemed National Scenic Byway. The IS further takes the position that "*most of the surrounding parcels are vacant and undeveloped.*" The IS fails to account that the vast openness of the Mojave Valley is what has driven

the tourism economics of the area. The continued placement of photovoltaic solar facilities in the Mojave Valley is destroying the area's tourism on which the economics of the area largely depends. The further degrading of the valley with photovoltaic solar will have a significant impact. The project site is situated adjacent to the Clearway 5.5-square-mile photovoltaic placement. Too much of an eyesore is too much saturation. A full EIR is necessary to properly study and fully address the cumulative effect of the Aesthetics issue as it is not 'Potentially Significant,' it is Significant.

Unchecked on page 9 is **Geology/Soils**. The proposed site's aeolian soil is of high erodibility with a "*high to very high*" fugitive dust rating in a Sand Transport Path that is a major health hazard to the adjacent and downwind Environmental Justice Focus Area of Newberry Springs. The lack of the IS to properly address the soil is a major omission and it underscores the exceptionally poor understanding and standard of care that is behind the IS.

Also, not properly addressed in the IS and analyzed is the release of massive amounts of sequestered carbon from the project's disturbance of the site's ancient topsoil. The background purpose of solar installations is to address the Climate Change theory and therefore the reduction of carbon in the atmosphere. Yet, by disturbing the undisturbed topsoil and the removal of creosote bush and other vegetation that stabilizes the soil, sequestered carbon will be released into the atmosphere. This mobilization of carbon is exasperated by being in a Sand Transport Path. The IS fails to factor in and address the significant element of carbon release. For additional background on this vital concern, see:

<http://newberryspringsinfo.com/Alliance/Sequestration-Letter.pdf>



A portion of the Clearway Energy's Daggett Solar Power 5.5 sq. mile habitat cover-up.

Unchecked on page 9 is **Wildlife**. This low-area portion of the Mojave Valley has a rich history of wildlife that includes Endangered and Restricted species. The wildlife

research done for the adjacent 5.5-square-mile Clearway project that devastated much of the valley's wildlife was only conducted by a couple of biologists over a few part days during periods of extreme summer heat. Wildlife during that time were in burrows for protection from the desert's extreme heat and well hidden from their predators. Naturally, the biologists didn't see anything damaging for their employer. The limited number of biologists and the limited number of hours for the 5.5 sq. mile site was a sham. Newberry Springs resident, Mike Matson, a Newberry Community Services District board member, is a local expert on the desert's reptiles and he can be contacted for detailed information regarding the Mojave Valley's wildlife burial.

Unchecked on page 9 is **Air Quality**. The public will be further damaged by the proposed BMT project from the cumulative effect of this site having its desert topsoil crust disturbed and allowing the Sand Transport Path's winds to spread further sand and crystalline silica upon the adjacent and downwind Environmental Justice Focus Area population.

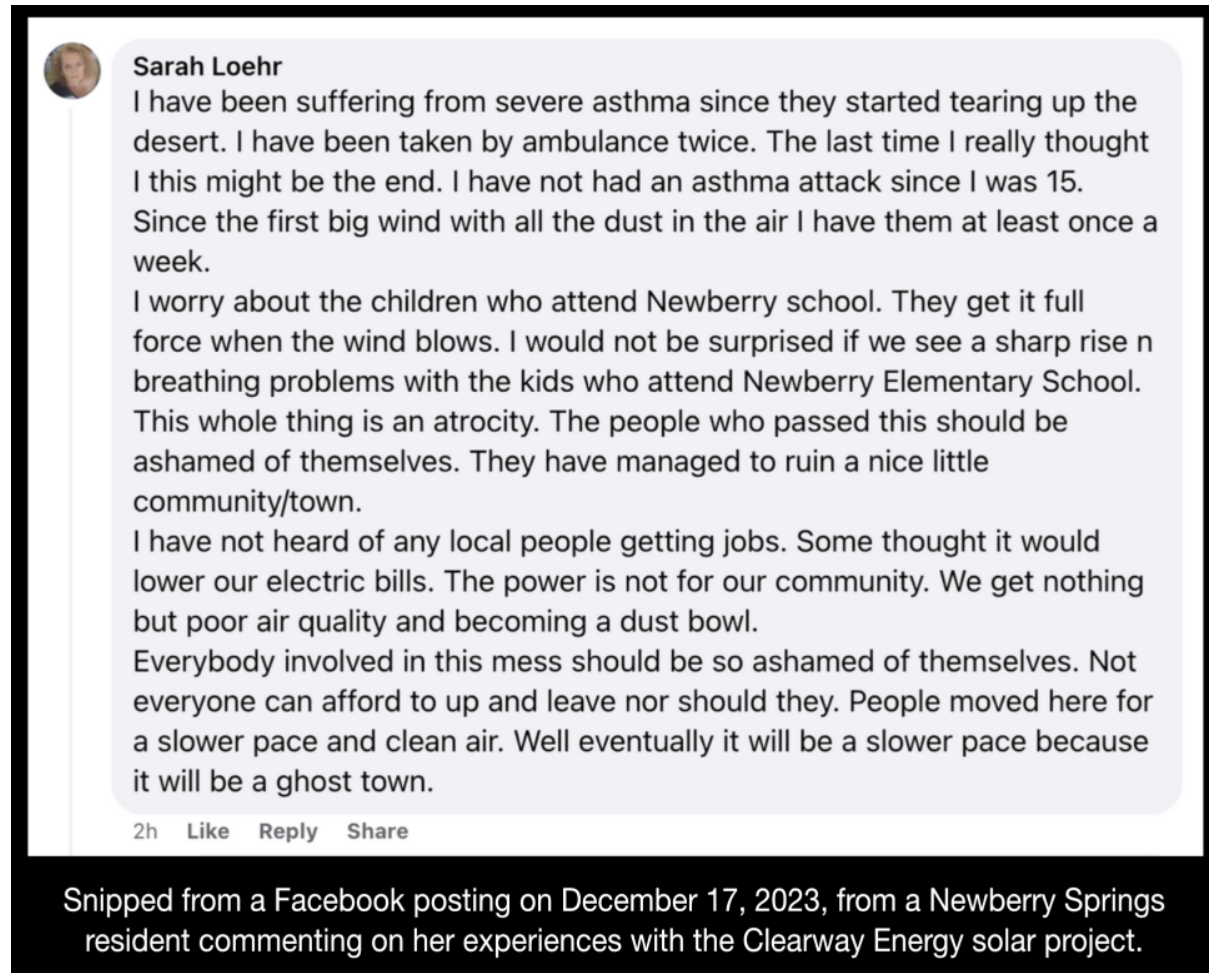
The Air Quality Study for Minneola Solar prepared by Elevated Entitlement (May 30, 2023) states, "*Under CEQA, the Mojave Desert Air Quality Management District is an expert commenting agency on air quality and related matters within its jurisdiction or impacting on its jurisdiction. Under the Federal Clean Air Act, the District has adopted federal attainment plans for ozone and PM10. The District has dedicated assets to reviewing projects to ensure that they will not: (1) cause or contribute to any new violation of any air quality standard; (2) increase the frequency or severity of any existing violation of any air quality standard; or (3) delay timely attainment of any air quality standard or any required interim emission reductions or other milestones of any federal attainment plan. These Guidelines are intended to assist persons preparing environmental analysis or review documents for any project within the jurisdiction of the District by providing background information and guidance on the preferred analysis approach.*"

The community of Newberry Springs has learned through a decade with Soitec and two years of direct experience with the Clearway project that the MDAQMD has been a complete failure in addressing extremely high levels of sand and deadly crystalline silica being emitted from the solar projects. The MDAQMD lacks adequate monitoring equipment, and it lacks funding, codes, policies, and guidelines, to enforce policing of violations. It lacks qualified personnel who care, and sadly, it lacks a willingness to meet with and protect the public which the MDAQMD is paid to do.

The MDAQMD's focus has been on combustibles and it has turned a blind eye to properly address crystalline silica particulate matter. The above lengthy quotation from the air study fails to state what the referenced "*dedicated assets*" are in reviewing projects to ensure that they will not "*cause or contribute to any new violation of any air quality standard.*" The base criteria that is being used by the MDAQMD for reviewing the siting of solar facilities is based upon construction standards for industrial buildings that are surrounded by parking pavement. Not open space facilities consisting of bladed and disturbed crystalline silica-based soil that is left open to high wind in Sand

Transport Path. The MDAQMD's check-off criteria are not relatable in properly addressing industrial solar installations. The issue is beyond being ridiculous.

As the MDAQMD has demonstrated a total inability to address the problems that Newberry Springs has experienced over the Clearway project, the MDAQMD is not capable of doing any better with the BMT Minneola Solar project than with Clearway.

A screenshot of a Facebook post by Sarah Loehr. The post is a text-based comment with a profile picture of Sarah Loehr on the left. The text of the post is as follows:

Sarah Loehr
I have been suffering from severe asthma since they started tearing up the desert. I have been taken by ambulance twice. The last time I really thought I this might be the end. I have not had an asthma attack since I was 15. Since the first big wind with all the dust in the air I have them at least once a week.
I worry about the children who attend Newberry school. They get it full force when the wind blows. I would not be surprised if we see a sharp rise in breathing problems with the kids who attend Newberry Elementary School. This whole thing is an atrocity. The people who passed this should be ashamed of themselves. They have managed to ruin a nice little community/town.
I have not heard of any local people getting jobs. Some thought it would lower our electric bills. The power is not for our community. We get nothing but poor air quality and becoming a dust bowl.
Everybody involved in this mess should be so ashamed of themselves. Not everyone can afford to up and leave nor should they. People moved here for a slower pace and clean air. Well eventually it will be a slower pace because it will be a ghost town.

At the bottom of the post, there are interaction options: "2h Like Reply Share". Below the screenshot, there is a black box with white text that reads: "Snipped from a Facebook posting on December 17, 2023, from a Newberry Springs resident commenting on her experiences with the Clearway Energy solar project."

While preparing this comment letter, the above posting was noticed and is presented here as an example of what is happening in Newberry Springs.

A recent study from UC Davis sponsored by the California Air Resources Board indicates that adverse lung and heart effects are associated with particulate matter smaller than one-10th of a micron (1/25 the size of PM 2.5). This size of particulate matter can become airborne in a light breeze.

Unfortunately, the MDAQMD lacks the equipment capable of measuring these microscopic particles, which are precisely the ones that are harming the Newberry

Springs residents. To rely on the MDAQMD as a guardian for safe air quality from solar farms emitting crystalline silica within the Mojave Valley's Sand Transport Path is naive and hazardous.

An expanded wind and air quality study using equipment capable of measuring particulate matter far finer than PM 2.5, preferably PM .1, is needed in a full EIR.

Unchecked on page 9 is **Hazards & Hazardous Materials**. The proposed site is being proposed to be built upon crystalline silica inside of a Sand Transport Path. Crystalline silica is a California Proposition 65 recognized carcinogen that when the soil crust is disturbed has a propensity to become airborne in a very light wind. When inhaled by humans, crystalline silica has a similar effect on the human body as that of asbestos. Besides the lungs, crystalline silica can enter the bloodstream and damage the liver, heart, and other body organs, and in a recent study from Havard, it may contribute to dementia.

Fugitive Dust Mitigation

Yes/No	Mitigation Measure	Mitigation Input	Mitigation Input	Mitigation Input
No	Soil Stabilizer for unpaved Roads	PM10 Reduction	PM2.5 Reduction	
No	Replace Ground Cover of Area Disturbed	PM10 Reduction	PM2.5 Reduction	
No	Water Exposed Area	PM10 Reduction	PM2.5 Reduction	Frequency (per day)
No	Unpaved Road Mitigation	Moisture Content %	Vehicle Speed (mph)	0.00
No	Clean Paved Road	% PM Reduction	0.00	

Fugitive Dust Mitigation chart from page 47 of the [Air Quality Study for Minneola Solar](#). Fugitive Dust Mitigation is a major environmental concern not given much consideration.

Summary

The County as the lead agency has misclassified the DETERMINATION for the project as not having a "significant effect" on the environment and that, "A MITIGATED NEGATIVE DECLARATION shall be prepared."

There is overwhelming evidence that Soitec and the huge Clearway solar projects have already greatly damaged the environment and the health of the downwind Newberry Springs' population by subjecting the community to very hazardous crystalline silica and heavier sand that clogs high rooftop evaporation coolers and even blocks driveways near the project.

The County's consideration of the placement of the BMT Minneola Solar site upwind

to Newberry Springs represents ongoing discrimination to intentionally increase an established hazard to an already overburdened Environmental Justice Focus Area. This is in direct violation of state law and a deliberate action to subject an economically disadvantaged designated community to repeated and unnecessary burdens and injuries.

This project will contribute to the additional spread of airborne carcinogenic crystalline silica, and as the disturbance of the soil and the removal of the creosote and other vegetation on the bajada will release sequestered carbon that has not been addressed in the IS, and as the biological impact has not been adequately addressed in the IS as community known endangered and restricted species do exist in the area, and as no wind baseline study has been performed and analyzed, and as the aesthetics will be visually impacted from Interstate-40 and a county designated Scenic Route (Historic Route 66) which is also a National Scenic Byway, and as the project's removal of a natural "greenbelt" separation to the Clearway project will further negatively impact the open space vital to the economics of desert tourism, Significant Issues do exist that have NOT been properly addressed in the IS.

As earlier stated, the project will significantly add to the cumulative negative impacts that industrial solar is having upon Newberry Springs in violation of the state's Environmental Justice codes. Further study is necessary to analyze the significant items for possible mitigation and possible relocation of the project to another site for which a proper consideration (again) has not been properly considered in the IS. The federal government has 10.8 million acres set aside for solar development in the Desert Renewable Energy Conservation Plan.

Regarding the Mojave Valley, for over a decade as the solar projects have come before the County for approval, letters like this have clearly defined that Environmental Impact Reports are required on developments that may have a significant impact on the cumulative effects that a project may have upon neighboring communities, especially communities like Newberry Springs, a disproportionately burden, low-income community that already had a previous higher than normal hospitalization rate in the county for respiratory ailments. Only the Clearway project came forth with an EIR, but that EIR was riddled with ignored errors and omissions that were quickly accepted and rubber-stamped by the County as the lead agency for the report.

The State Attorney General has opined that under CEQA, projects such as BMT Minneola Solar must have an Environment Impact Review that fully weighs the cumulative effects of the development upon neighboring communities.

As stated in the Attorney General's Opinion of July 10, 2012, "Under CEQA, "public agencies should not approve as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects ..." (Pub. Res. Code, § 21002.) Human beings are an integral part of the "environment." An agency is required to find that a "project

may have a 'significant effect on the environment'" if, among other things, "[t]he environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly[.] (Pub. Res. Code, § 21083, subd. (b)(3); see also CEQA Guidelines, § 15126.2 [noting that a project may cause a significant effect by bringing people to hazards].)"

According to the State Attorney General's website (at <https://oag.ca.gov/environment/sb1000>), *"Low-income communities and communities of color often bear a disproportionate burden of pollution and associated health risks. Environmental justice seeks to correct this inequity by reducing the pollution experienced by these communities and ensuring their input is considered in decisions that affect them. "Environmental justice" is defined in California law as the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. (Cal. Gov. Code, § 65040.12, subd. (e).)"*

Newberry Springs is the poster child of a low-income community facing a history of *"disproportionate burden of pollution and associated health risks"* due to a County that historically refuses to listen to its residents.

After over a decade of refusing to recognize Environmental Justice, the County is now considering the updating of its Development Code by including SB 1000 language. However, despite SB 1000 existing since 2016, the County has ignored residents' pleas to include it in the consideration of numerous solar developments located in Sand Transport Paths. In drafting its Environmental Justice language, the County has lacked the courtesy to acknowledge multiple requests from residents to hold one or two workshops to include the residents' input. The residents are upset that the County's draft as proposed is lacking as presented.

The BMT 'DETERMINATION' that is signed by Chris Warrick, County Supervising Planner, and Jim Morrissey, County Planner, demonstrates a fast-tracking and a mishandling of the State of California's laws and regulations and the County's regulations that have not been properly adhered to.

This project, if built, will further negatively impact the local health of county residents and their livestock and pets, the economy, viewscape, and wildlife. Industrial solar facilities are not compatible in Sand Transport Paths that have carcinogenic crystalline silica.

Respectfully submitted,

TS

Ted Stimpfel, Executive Director
Newberry Springs Community Alliance

bcc: Martha Guzman Aceves, Regional 9 Administrator, US EPA
California Attorney General, Please attach to Complaint submitted 11/14/23.
State Clearing House Ref. #2023110357
Jeff Lindbery, CARB
Brad Poiriez, Exec. Dir. MDAQMD
Clerk of the Board, San Bernardino County
Supervisor Dawn Rowe, SB Third District
Mark Wardlaw, SB LUSD Director
Jonathan Weldy, SB Planning Commissioner
Pat Flanagan, Director MBCA
Fred Stearn, Residential Activist
Mark Gutglueck, San Bernardino County Sentinel
Newberry Community Services District
Newberry Springs Chamber of Commerce