

1 **Imperial County Planning Commission**

2 County Administration Center

3 940 Main St, El Centro CA 92243

4 August 11, 2001

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TRANSCRIPT OF AUGUST 11, 2010

10

IMPERIAL COUNTY PLANNING COMMISSION PUBLIC HEARING re

11

COYOTE WELLS SPECIFIC PLAN and WIND ZERO TRAINING FACILITY

12

to consider recommending approval of:

13

Certification of FEIR SCH No:2009011063

14

General Plan Amendment #08-0003

15

Specific Plan # 08-0001

16

Zone change ZC #08-0003

17

Tract Map #00985

18

CUP #08-0030 for private airstrip

19

CUP #08-0031 for 2 water wells to pump 65 AF/Y

20

Developers Agreement

21

22

23

24

25 Transcribed from audio CD provided by Imperial County Planning Department

26 by Susan Massey, Ginny Chandlee, Ellen Shively, Edie Harmon

27 dates: August through November 2010

28

29

30 confirmed for accuracy by: Edie Harmon

31 date: December 10, 2010

32

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1 CHAIRMAN SCHAFFNER: Okay. Now, we're going to start agenda item 4 thru

2

3 PLANNING DIRECTOR HEUBERGER: (Interrupting) Eleven

4

5 CHAIRMAN SCHAFFNER: ... 11 inclusive and we'll be opening these all at one time. And,

6 I'm assuming that we have quite a few people who want to speak on this item today and so

7 we'll be restricting the time. Last time we gave 3 minutes but this time were going to give you

8 five minutes to speak, and uh try not to repeat too much what someone else said so that we can

9 get all the information out there. Everyone will be allowed to speak uh no matter how long this

10 goes. And, after everyone speaks we're going to close the public portion of the hearing and the

11 project applicant will be able to address some or all the questions that have been brought up.

12 uhh, could I have a representative of the project here? Could you come to the microphone

13 please? Would you prefer to address each issue as it comes up or can you take notes and do it at

14 the end?

15

16 WEBB: (?) : Yeah, I think we can take notes and address everything at the end.

17

18 CHAIRMAN SCHAFFNER: I just wanted to give you the option. So anyway that's what we'll

19 do. We'll give everyone a chance to speak then we'll close the public portion and then we'll

20 allow the applicant to speak to the issues and then the Commissioners will make a decision

21 based on that and we'll have the clock up here which will give us the countdown. I can't see it

22 so please be polite and stop talking at the end of your time so we can give everyone a chance to

23 speak and I'll turn it back over to you.

24

25 PLANNING DIRECTOR HEUBERGER: Yeah Mr. Chairman and members of the

26 Commission, as you indicated this is a public hearing on a project that includes a number of

27 components. So for the record, as you indicated this is items 4 thru 11 on the agenda, those being

28 the Coyote Wells / Wind Zero project. Item number 4 is the Draft and Final Environmental

29 Impact Report; item number 5 is the General Plan Amendment 08-0003; item 6 is the Specific

30 Plan Item number 08-0001; item 7 is the Change of Zone number 08-0003; item 8 is Tract Map

31 number 00985; item 9 is Conditional Use Permit number 08-0030; item 10 is another

32 Conditional Use Permit number 08-0031 and item 11 is the Development Agreement.

1 As you have indicated Mr. Chairman, all of these items are open for the public to comment
2 on at one time. At the very end after the public hearing is closed and your Commission is ready
3 to render a decision, we would ask that if you are going to consider approving the project that
4 you would take each action item separately in the order that we have them on the agenda. If you
5 decide to deny the project, of course you can just make a motion to deny the project and we
6 would certainly not ask you to certify the EIR at that time. Or, third option, because of the
7 magnitude of the project and the more recent submittal of documents, you may also have, you
8 actually do have the option of continuing it, and that may very well actually be staff's
9 recommendation depending on the testimony and the documents.

10 Uh, and then lastly um, with regard to the public comments, there were a number of
11 documents that were introduced fairly late to you, I believe as late as this morning uh, so before
12 we end the hearing and rather than do it now, I'm sure that some of the people who are going to
13 testify are going to introduce these documents so at the end before we close, before you render a
14 decision I'd like to get an inventory of all the documents that have been submitted past the
15 package that we submitted to you so that we have a clear record of everything. So with that,
16 David Black has had the honor of processing this project and yesterday he finished another
17 project which you heard which is the McCabe Ranch II project so now he's devoted all day and
18 night to getting ready for this one so I'll let him present it.

19
20 CHAIRMAN SCHAFFNER: . Dave, just before we get started I'll ask the Commissioners due
21 to the generous amount of material that we got this morning, does anyone need more time to go
22 over this or are we good with it? (Pause) Okay and then I'd also like to mention that in some of
23 the material we got, we got a hand written petition this morning and in lieu of making ten copies
24 for everyone we've passed it down and everyone has had a chance to see it.. Has everyone had a
25 chance to look at it?

26
27 COMMISSIONERS: Yes

28
29 CHAIRMAN SCHAFFNER: . Everybody got it? Okay, Mr. Black go ahead.

30
31 PLANNER DAVID BLACK: Mr. Chairman, Commissioners, I'd like to show a PowerPoint
32 presentation for my project description.

1 PLANNING DIRECTOR HEUBERGER: Before David starts with the PowerPoint, I'm sorry,
2 I'd also like to have you introduce the consultants who wrote the EIR because they are here and
3 available to address comments as well. And just from a procedural standpoint so that you and
4 the public know EIRs are prepared under the direction of the County Planning and Development
5 Services Department, not by the applicant, but by us. The applicant, of course, is charged with
6 paying the freight for it, but they are done by us. So if you'd introduce –

7

8 PLANNER DAVID BLACK: Danielle Griffith, she's the lead planner for PMC for this EIR
9 project and Dave Angel is also here representing PMC. Michael Stewart is here from Leighton
10 and Associates. They did the water studies for this project. And Urban Crossroads, I don't have
11 your name.

12

13 B. T. STEPHENS: B. T. Stephens

14

15 PLANNER DAVID BLACK: Here representing the sound studies that were done for this
16 project.

17

18 PLANNING DIRECTOR JURG HEUBERGER: So, during the course of questions that your
19 Commission may have or in possible response to any comments that are made, we may request
20 that these technical people address these comments rather than staff. So just so everybody
21 knows who they are and what their task is. But these folks work for the County not for the
22 applicant. The applicant may have his own technical, or their own technical expertise as well,
23 thank you.

24

25 PLANNER DAVID BLACK: And when I finish with mine, I'll have Danielle come up and
26 she'll go through the CEQA process (inaudible) and PowerPoint.. The first slide is a project
27 map slide Wind Zero Inc owns 944 acres in the southwestern portion of Imperial County This
28 plan area is east of the community of Ocotillo and Nomirage, south of Interstate 8 and largely
29 north of state route 98. The project location map shows the boundaries of the proposed Specific
30 Plan area. As you can see on the west side of of the project area is Molitar Road bordering the
31 project area on the west side. You can also see the small community of Nomirage on the west
32 side of the project. The current parcels, this picture shows the current design of the parcels

1 located on this site apparently right now as they exist on this parcel. There's nine main, or nine
2 large parcels and there's three small parcels on the bottom, on the south portion of the project.

3 The conceptual site plan, uh, this site plan shows the proposed project layout at buildout, the
4 training and educational facilities are located in the southern portion of the project and I'll show
5 later slides of that with the motorsports component is in the center in the north of this project
6 area. The project components for Wind Zero, there's a few of them here, the first there is law
7 enforcement training, there's the Coyote Wells Motorsports Facility component, there's a state
8 route 98 component, and there's a utilities component which includes water, the two water wells,
9 uh the sewage treatment facility, they will be generating solar power at some phase and they're
10 asking for air operations which include an airstrip, a possible airstrip, and a heliport.

11 Project entitlements for this project include, like Jurg said, there's a Final Environmental
12 Impact Report that'll need approval, the Coyote Wells Specific Plan that'll need to be adopted,
13 the General Plan Amendment which will include the Ocotillo/Nomirage Community Area Plan.
14 This'll be a change from a desert residential designation to a specific plan designation. There'll
15 be a zone change requirement. This'll be from a low density residential which is currently the
16 zone to a specific plan zones. I'll go over those zones in a later slide. There'll need to be
17 approval for a gated Tentative Tract Map, map 985 which will include 22 parcels and which will
18 include tract map conditions. There'll be approval for a Conditional Use Permit for two water
19 wells. The first water well will be on Phase I. The second water well will be in Phase III.
20 There'll be a permit for an airstrip and heliport, if they're built. And there'll be final approval,
21 approval for a development agreement.

22 The circulation plan, the Coyote Wells Specific Plan area will in a large part function as a
23 gated community with numerous amenities available to users. Access to the main portion of this
24 project area will be restricted to authorized visitors. Guard houses will be located up to four
25 points at the main portions of this project area. The blue colors that you see in this screen are the
26 main entry points. The green, the darker green that you see on the right is the first alternate
27 secondary access; the aqua color on the left is a secondary, a second alternative secondary access
28 point, and the red one on top is a third alternate, a secondary access point. All these access
29 points, and all roads in this project will be paved. The gated community, the Coyote Wells gated
30 community Tract Map 985, this kind of gives you an idea of what the proposed project will look
31 like on the project site.

32 (In response to inaudible question) What's that? The dark color you see in the middle is the

1 floodway that currently goes through this project. On a later slide I'll show you how Wind Zero
2 is proposing their development around these, this floodway, not to interfere with any other
3 floodways that may happen down the road.

4 The proposed land use and zoning uh the Coyote Wells Specific Plan consists of 22 proposed
5 parcels and ten proposed land use and zoning designations. As you can see from the top three
6 there, the land use and zoning designations are for Open Space Preservation is over 204 acres
7 that includes about 22% of the area. The Recreation portion is 380 acres which is 40% of the
8 area, and the Education and Training of 220 acres is over 23% of the area.

9 On a colored land use and zoning map the dark color, the dark green up on top is your open
10 space and preservation area, and as you can see on the west portion of the project there is a
11 buffer that goes down between the community of Occ, Nomirage and the project area, it goes
12 all the way down the west side of the project area In the middle is your lighter green that's your
13 uh that's your recreation area, that includes your circuit tracks and your darker blue area is your
14 education and training facility. And you can see the purple area down on the bottom, that's a
15 proposed RV park..

16 Some of the project features for this specific plan include a live fire training house. What
17 you see up here on the screen is a live training house to provide for live fire training scenarios
18 including hostage rescue. They plan on building ten of these 6,000 square feet buildings
19 throughout the project area ... within the education, the dark blue sections. This here is a picture
20 of an indoor firing range, fully enclosed indoor firing range so you get an idea of what it looks
21 like. I'm sure Jeff Lyons will go through more detail on what it looks like.

22 The project features for the road, for the emergency vehicle operations center: as you can
23 see these are at grade roads not oval tracks with 80% banks. They don't interfere with the
24 floodways of the project area as you go across them. They're being used for high speed driving,
25 defensive driving and natural disaster preparedness type of driving.

26 The lower picture is the skid pad area proposed for this project for emergency testing and
27 training type of environment.

28 The project phasing. In Phase I will include a waste water treatment plant which is right at
29 the very top in a small little box here on the top. Um it will include a multi-use building, a pit
30 area, a parking area, car garages, emergency vehicle operations training center and indoor gun
31 range, a semi- enclosed gun range, a circuit one track that you can see in the middle, and one
32 water well. This 4.1 acre feet water well will be the maximum allowed water use in Phase I

1 development.

2

3 (Inaudible question)

4

5 COMMISSIONER: And Phase I?

6

7 PLANNER DAVID BLACK: How much is Phase II? It's Phase I we're looking at. In Phase II
8 the project will include expansion of the waste water treatment plant, an RV park, a power
9 generation area, skid pads, car garages, indoor gun range, a circuit two track that you can see
10 there, and a rappel and burn tower. And I believe there is also a first phase of the RV park down
11 below.

12 In Phase III you'll see the final expansion of the waste water treatment plant, a Phase II RV
13 park down below, it will include town homes, heliport, a motel, a kart track, airport hangars, a
14 possible airstrip, a circuit three tracks, mini storage facilities, and a second water well with a
15 maximum of 65 acre feet that will be allowed for this project.

16

17 COMMISSIONER GADDIS: Are they going to drill the second well in Phase II or Phase III?

18

19 PLANNER DAVID BLACK: The second well will be drilled in Phase III.

20

21 COMMISSIONER GADDIS: The maximum amount of water for Phase I and Phase II is 4.1
22 acres?

23

24 PLANNER DAVID BLACK: 4.1 will allow in the first phase and Phase II will allow 29 acre
25 feet.

26

27 COMMISSIONER GADDIS: All from the same well?

28

29 PLANNER DAVID BLACK: Without a second well.

30

31 COMMISSIONER BERGH: With the number of parcels how much are they allowed as far as
32 the county is concerned? How much water are they allowed to draw with the number of parcels

1 they have there?

2
3 PLANNING DIRECTOR JURG HEUBERGER: If you're asking what's the allowable limits
4 for individual parcels if they are residential that would be different than commercial. Right now
5 we have a limitation on the residential and we have a different limit on commercial, but since
6 this is an overall project it's kind of up to the Commissioners as to what you feel based on the
7 documentation that was given to you as to what that number should be. One of the studies in the
8 report is the hydrologic report and you have a technical expert here to explain whether these
9 wells can be supported by the basin. But the limits are going to be different than the standard.

10
11 PLANNER DAVID BLACK: Again I wanted to go over or show you the sewer distribution
12 plan. There will be one. There won't be septic tanks allowed for this project, it will be a sewer
13 for this project. It starts at phase I and goes to phase III. There will be an expansion through all
14 the phases. I know that was a concern from some of the citizens.

15 And the next slide is the California Environmental Quality Act process. I'll let Danielle
16 Griffith, she was our lead on that from PMC.

17
18 PMC's DANIELLE GRIFFITH: Good morning, I'm here to briefly describe the California
19 Environmental Quality Act process that the project went through when we were analyzing the
20 potential environmental impacts of the Coyote Wells Specific Plan. The project time line:
21 Application... application documents were received on December 23, 2009. Notice of
22 Preparation was sent to the agencies and public to give notice that an Environmental Impact
23 Report was going to be prepared. On February 26, 2009 a public scoping meeting was held, On
24 January 26, 2010, the Draft Environmental Impact Report was submitted to the State Clearing-
25 house. On August 8, on August 19, 2009 there was an Airport Land Use Commission hearing on
26 the project, on June 3rd 2010 the final EIR and Notice of Availability and notice of the Planning
27 Commission hearing was sent out for public notice. And today we're having the Planning
28 Commission hearing.

29 What CEQA does, it considers the environmental effects of a wide variety of public and
30 private projects, provides public disclosure of the environmental effects of a proposed decision
31 and allows for public and agency input in the environmental review of the project. What CEQA
32 does not do, it does not advocate or oppose the project under consideration, it does not require

1 project denial because of adverse effects on the environment, and it does not address economic
2 or social concerns.

3 The objectives of CEQA are to disclose to decision makers and the public significant
4 environmental effects of a proposed project, identify ways to avoid or reduce environmental
5 damage, prevent environmental damage by requiring implementation of mitigation measures or
6 alternatives, disclose to the public the reasons for agency approval of projects with significant
7 environmental effects, fosters interagency coordination in the review of projects, and it
8 enhances the public participation in the planning process.

9 The EIR topics that we analyzed were the project description itself, aesthetics, air quality,
10 biological resources, cultural and paleontological resources, geology and soil, hazards and
11 human health, hydrology and water quality, land use, noise, population and housing, public
12 services and recreation, transportation and circulation issues, utilities, climate change and
13 greenhouse gasses, cumulative impacts, alternatives, and long term implications of the project.

14 There were several issues that the EIR sought to resolve: There were specifically aesthetic
15 issues, air quality issues, biological resource issues, cultural resources, hazardous materials and
16 risk of upset, hydrology and water quality, land use planning, noise, public services,
17 transportation, circulation, utilities, climate change and greenhouse gasses, and project
18 alternatives.

19 We introduced our sub-consultants who helped prepare the hydrology and water quality
20 portions of the EIR and also the noise. We have a couple of slides to help explain in detail some
21 of the more specific impact areas that were brought up as issues of public concern. If I can
22 introduce B. T. Stevens from Urban Crossroads. He's here to discuss the noise impact of the
23 project, and then Mike Stewart from Leighton Consultants to discuss the water issues in the
24 project area.

25
26 B. T. STEPHENS from URBAN CROSSROADS: Thank you. You have the slides of the
27 noise...cause you weren't following

28
29 PMC's DANIELLE GRIFFITH: Oh, they weren't? I'm sorry.

30
31 B. T. STEPHENS: That's okay.
32

1 PMC's DANIELLE GRIFFITH: David, (inaudible)

2

3 B. T. STEPHENS: There's one. So what this shows here is all of the sources acting at one time.

4 This provides contours. This is a worst case scenario with every single source that could be

5 active on the project acting at once. As you can see the color obviously is hard to read on the

6 projector, but the blues are the louder of the noise spectrum down to yellow the way that the

7 program looks like they put a ring there with no noise, but that's not, it's actually just the shade

8 that goes down so there's not a ripple effect but the blue is obviously the loudest near the live

9 fire houses on the south and the other training facilities, but this will show a worst case and I

10 believe there is one other slide in here that shows all the sources without the contours, but this is

11 probably the most important one to look at. It also shows the four closest receiver points that we

12 picked. Again, you can't really read the levels from here, but those are the nearest residences or

13 locations to the project site.

14

15 COMMISSIONER GADDIS : I have a question for you. On the noise levels on the driving

16 track, how would you determine the noise levels of private individuals that are bringing their

17 vehicles in there?

18

19 B. T. STEPHENS: Well these, we have a database and other reports that have done facilities

20 like this. This actually assumes multiple vehicles at once. Um, obviously, if someone in the

21 public brings something that's not allowed, then we can't control that. But this is modeled with

22 what the specific project calls for.

23

24 COMMISSIONER GADDIS: Well I guess that's my question...one of the mitigations that

25 those vehicles won't be allowed on the track.

26

27 B. T. STEPHENS: Absolutely.

28

29 COMMISSIONER GADDIS: Because there's no way for you to come up with a plan if you

30 don't know what the heck's going to be on there.

31

32 B. T. STEPHENS: Right, it is assuming that they're only allowing the allowed vehicles on the

1 tracks.

2

3 COMMISSIONER GADDIS: And there's some, you have some document that says you're not
4 going to allow any vehicle that's over this decibels, is that included in your sound?

5

6 B. T. STEPHENS: Our sound study is done based on the type of vehicles specified that are
7 allowed. I guess we could put that in there, but that would just basically be saying that you
8 know, only the allowed vehicles are allowed. I guess would be the best way to explain it.

9

10 COMMISSIONER GADDIS: Well my question would be then, the allowed vehicles, there is a
11 limit to the amount of noise that they can put out?

12

13 B. T. STEPHENS: Sure yes, I guess if somebody was not operating ---..

14

15 COMMISSIONER GADDIS: Come in with open headers and be racing around that racetrack –

16

17 B. T. STEPHENS: Sure, Absolutely that could happen if they allowed it, but part of this facility,
18 that's not supposed to be allowed. It would have to be monitored, I guess by the operator.

19

20 COMMISSIONER GADDIS: Yeah, I hate when somebody says "I guess" I'd rather (overlap of
21 voices)

22

23 B. T. STEPHENS: Yes, it would have to be monitored by the operator.

24

25 COMMISSIONER GADDIS: There is something then that says there are not going to be any
26 loud vehicles allowed.

27

28 B. T. STEPHENS: Correct

29

30 COMMISSIONER GADDIS: And there's some verbiage that says what is a loud vehicle?

31

32 B. T. STEPHENS: Or the maximum allowed, correct.

1 COMMISSIONER GADDIS: There's a way to determine that, and say you're not going to be
2 allowed to operate on this facility — “

3

4 B. T. STEPHENS: Absolutely

5

6 COMMISSIONER GADDIS: In there somewhere?

7

8 B. T. STEPHENS : Yes

9

10 COMMISSIONER GADDIS: (laugh) O. K. Because that's something that would definitely be
11 my concern.

12

13 B. T. STEPHENS: Absolutely.--

14

15 COMMISSIONER GADDIS: I would agree with the Wind Zero people. Of course they're. In
16 control of their own (inaudible) and cars, but if some private group comes in and they've got
17 some loud vehicles racing around that thing that's going to be of real concern.

18

19 B. T STEPHENS: Correct, that could be a concern. But this does assume a worst case scenario
20 with the proper vehicles operating.

21

22 JEFF LYON: Excuse me, this is Jeff Lyon of GS Lyon Consultants of El Centro, and I prepared
23 the Specific Plan and I provided noise decibel levels for the facility operations. And we used up
24 to motorcycles which are at a 110 decibels, so they were given that information up front the
25 motorcycles are even louder than the cars. All the cars would be using normal mufflers on cars
26 and stuff and that's regulated by the track itself.

27

28 COMMISSIONER GADDIS: My question is that Wind Zero is going to take responsibility for
29 making certain that no private individuals are allowed on that track unless the cars conform to
30 the —

31

32 JEFF LYON: Yes it's all regulated to car clubs and the vehicles they provide for training and

1 they're all with normal mufflers on the vehicles.

2

3 COMMISSIONER : And you've taken into account the heliport and the airplanes, right?

4

5 B. T. STEPHENS: Correct. The airstrip is the long blue strip near the northern portion and then
6 there's the helipad on the southern portion and there's one on the northern as well.

7

8 COMMISSIONER : Will the helicopters be used as far as their demonstration or what? Cause it
9 really doesn't say in the EIR.

10

11 B. T. STEPHENS: For our purposes they give us the type of helicopter that is going to be used
12 and we find the sound rating to match that. As far as specifically what it's used for that really
13 doesn't affect our analysis as far as the operation of the helipad itself. If you're asking like what
14 it's used for once it gets up in the air, is that kind of what your question is?

15

16 COMMISSIONER : Yeah, low flying helicopters make a lot more noise I live in a helicopter fly
17 by area

18

19 B. T. STEPHENS: Correct

20

21 COMMISSIONER : — and the dishes and everything move. And that's just along the freeway.
22 So what I'm just saying is that are the helicopters going to be used in like tracing after someone
23 in the car field or like that type of thing?

24

25 B. T. STEPHENS: This is a worst case when its very close to the ground.

26

27 COMMISSIONER : You've taken that into account.

28

29 B. T. STEPHENS: Yes, this is a worst case when it's I believe fifteen feet above the ground, a
30 normal source height.

31

32 COMMISSIONER : Thank you.

1 DANIELLE GRIFFITH: The hydrology slides, Steve?

2

3 COMMISSIONER : I've a lot more questions.

4

5 DANIELLE GRIFFITH: Well

6

7 COMMISSIONER GADDIS : That brought another question to me. a

8

9 DANIELLE GRIFFITH: Okay, Sorry.

10

11 COMMISSIONER GADDIS : With the helicopter, is there a specific flight plan that the
12 helicopter must follow?

13

14 B. T. STEPHENS: Like I said —

15

16 COMMISSIONER GADDIS: If he moves out toward the edge of that thing, the sound is going to
17 be different.

18

19 B. T. STEPHENS: Right. What this assumes is the worst case is right when it's taking off.

20 That's when. It's assuming that a helicopter is gonna somewhat lift, so when it lifts straight up as
21 opposed to an airplane taking off in a more horizontal fashion ---.

22

23 COMMISSIONER GADDIS: So I think the question was and what he specifically said was the
24 helicopter going to be flying around a car following that track and be more, rather than your
25 sound basis was based right on the heliport not out around that area?

26

27 B. T. STEPHENS: Right. It could be that I am not aware of. If it were to happen the sound

28 would not be as loud because it would be farther away from the receptors. That I would know.

29 As far as what they're going to actually use it for once it gets in the air that's not in here because
30 that's not a worst case scenario.

31

32 COMMISSIONER GADDIS: A worst case scenario is it's hovering on outside edge of the

1 property closer to one of the residents, to me that would be a worst case scenario.

2

3 B. T. STEPHENS: If it's hovering at a level lower than the helipad itself, correct, but I don't
4 believe that will be happening. If it is then we could maybe assess that, but I don't think it would
5 be allowed to be that close to the homes. It would be quieter, being farther up in the air.

6

7 COMMISSIONER GADDIS: Right. So the question is, is that in there that that won't be
8 allowed?

9

10 B. T. STEPHENS: I don't know if it is specifically stated.

11

12 DANIELLE GRIFFITH: We don't have a mitigation measure restricting the flight path of the
13 helicopters.

14

15 COMMISSIONER GADDIS: He says the worst case scenario, the worst case scenario would be
16 hovering right at the edge of the property close to one of the homes to me fifteen feet off the
17 ground. . To me that's the worst case scenario. That wasn't your worst case scenario.

18

19 COMMISSIONER GADDIS Well that's definitely something that we can consider including in
20 the FEIR consulting with our sub-consultants and the planning department

21

22 DAVE HOGAN: Maybe I can answer the Commissioner's question. The..

23

24 CHAIRMAN SCHAFFNER: Go ahead and state your name again just so we know.

25

26 DAVE HOGAN: Dave Hogan, I'm with PMC. The, I would agree with you that a helicopter
27 hovering just above the ground at the property line would clearly be a worst case scenario for the
28 people living in the adjacent community. But the training areas involving the helicopter are not
29 located along the property line. I think that's the best way for the Commission to look at this.

30 When they get down to the specific plan there are requirements the plan assumes, this training

31 area this is the equipment they're using. You don't have a helicopter training area along that

32 property line. I think that will address the Commissioner's concern.

1 COMMISSIONER GADDIS: So there is something in that going to restrict the use of that
2 helicopter to a certain area and I assume a certain flight path in and out of there.

3

4 DAVE HOGAN: Yes, that is correct. The plan has been set up to try to keep all of the real noisy
5 stuff away from the adjacent residents. And I know that you're in a situation where noise will
6 travel. I know there's freeway noise that also is visible in the community. The design of the plan
7 is trying to get the noisy stuff away from Nomirage.

8

9 PLANNING DIRECTOR JURG HEUBERGER: But what I think the answer to Mr. Gaddis'
10 question is there a condition specific to the limitations on the use of helicopters and according to
11 staff I don't believe there is.

12

13 CHAIRMAN SCHAFFNER: Is there, you're a pilot Mr. Heuberger, is there flight restrictions
14 for helicopters

15

16 PLANNING DIRECTOR HEUBERGER:(two people speaking at the same time) I don't
17 know helicopters so I can't answer your question. What's your question. I'm sorry.

18

19 COMMISSIONER GADDIS: Yes, that's something that I would definitely want to --Is there
20 restricted flight zones over normal housing what's the (inaudible)

21

22 PLANNING DIRECTOR HEUBERGER: There are restrictions by FAA standards as to where
23 you can fly, but I think the question, and I don't want to second guess, but what the way I
24 understood the question is the noise study was predicate, the noise report envisioned a certain
25 type of activity by the helicopter and I believe that your question is well, what parameters, what
26 restrictions are there to control the helicopters from doing something different from what's been
27 studied. For example, hovering at the edge of the property or chasing a car around the track or
28 simply flying in some other orientation that maybe the applicant doesn't intend, but where are the
29 restrictions that we've placed on it? Okay and I think I've answered your questions. There are no
30 current conditions in the in the conditions of approval before you that would address that, not
31 that you couldn't add them, but I don't believe there are any in there.

32

1 COMMISSIONER: GADDIS: Yes that's something that I would definitely want to --.

2

3 COMMISSIONER Bergh: ? The FAA controls that anyway, the air space --.

4

5 PLANNING DIRECTOR JURG HEUBERGER: Well the FAA controls a number of things
6 relative to aircraft, both fixed and rotary, but the reality is I think in this case what you're
7 concerned and I'm hearing is if there gonna use helicopters as one type of device, what
8 enforcement provisions do we have to control that they don't do anything but what they've stated
9 they're gonna do. I think that's really the question and I don't think that's been put in black and
10 white. It may be in the applicant's intent. It may be in the applicant's application but usually we
11 have to have specific conditions to enforce.

12

13 CHAIRMAN SCHAFFNER: Yes sir

14

15 JEFF LYON: This is Jeff Lyon again of JS Lyon, consultants. One of the conditions is to
16 acquire FAA approval of the heliport which includes a flight plan and I couldn't tell you which
17 condition number it is, but it's in the tract map conditions and in that it would show that you
18 come from the East which is just across the open desert land because prevailing winds are from
19 the West and so you approach from the East and land on the pad and then you take off to the
20 North and then depart back off. So I think just with a minor clarification on an existing condition.
21 Mr. Black could add that in, you know the approach pattern should be from the east and departure
22 to the north and to the east. And certainly there's no intention to use helicopters to chase around
23 the track because we have an observation tower on the track where we have radio communication
24 with everybody that's on the track at all times.

25

26 COMMISSIONER: GADDIS: I would feel much more comfortable having it in black and white
27 so that people can say "oh look This is what you're restricted to and if you get off that we know
28 that we can enforce this" rather than saying "evidently we don't have a flight pattern yet. Haven't
29 applied for it yet." The FAA --

30

31 JEFF LYON: That's correct. We have a condition to get the FAA approval which like I said, Mr.
32 Black can just now add to that condition that's already there. Just say "and it shall include a

1 flight path that you know XYZ”.

2

3 COMMISSIONER GADDIS: And restrict the flight area around the —

4

5 JEFF LYON: Certainly

6

7 COMMISSIONER GADDIS: — area or something, I don’t have the exact words —

8

9 LYON: That’s correct..

10

11 COMMISSIONER GADDIS: It’s a real concern of mine if I lived around there that—who knows
12 what you’re going to come up with in the future, I don’t know. And we want to make certain that
13 the helicopters noise level, obviously the worst scenario was around the helipad and it doesn’t
14 take into account the helicopter movement closer (inaudible) I think we got it.

15

16 JEFF LYON: Okay, thank you

17

18 CHAIRMAN SCHAFFNER: Thank you. Any other questions on the sound? Okay

19

20 MIKE STEWART: Good morning. My name is Mike Stewart with Leighton Consulting. Our
21 firm prepared the water quality report. It was prepared by a certified hydrogeologist within our
22 firm. This slide up there shows the relationship of existing wells that are in the are to the site.
23 The site’s not indicated on there but I think everybody kind of knows where it is. The nearest
24 well to the site is about a mile and a half away. Switch to the next slide there Dave.

25 With regard to the water in the area, and well data over the years, this shows profiles of water
26 levels of the wells that have been measured in the wells in the area. And there has been a slight
27 decline in some of the wells over a twenty to thirty year period with an average decline of about a
28 foot and a half a year I think is the number. And some of the wells in recent years have actually
29 increased. The water levels have gone up in recent years. So they’re relatively stable in the area.
30 Our studies show that there is sufficient water in the area for the project with a use of 4.1 acre-
31 feet in Phase I and up to 29.2 in Phase II, with um....

32 There’s two, basic two sources of water. There’s an upper level of water that is more potable.

1 As you get deeper the salinity of the water increases. When they put in their wells it will require
2 a monitoring well and when the production levels increase they will be using some of the deeper
3 more saline water which will require treatment.

4
5 COMMISSIONER GADDIS: Did you do a study on pumping 29 acre-feet from one well?
6 What effect that has?

7
8 MIKE STEWART: Um, I believe, I believe we did. I wasn't the one that actually prepared the
9 report so I'm not exact — I'd have to look into that question for you. But I can do that. In fact I
10 think we did study that.

11
12 COMMISSIONER GADDIS: That was kind of a concern about pumping so much water out of
13 one location rather than, obviously if you develop those — parcels you'd have wells spread out

14
15 MIKE STEWART: Right

16
17 COMMISSIONER GADDIS: That was a concern that I kind of thought might be something we
18 need to consider.

19
20 MIKE STEWART: It's an alluvial basin where the water's going to flow, recharges relatively
21 rapidly in there so I think there's not a problem with that.

22
23 DANIELLE GRIFFITH: The last slide shows the alternatives that were considered for the project.
24 The first alternative that was considered shows the no project alternative. The project site is
25 basically assumed to remain in its current condition as undeveloped desert land. The second
26 alternative is to develop the site with existing zoning and land use designation which would be
27 developed within the designations of the Ocotillo-Nomirage Community Area Plan for low desert
28 residential one dwelling unit per forty acres. And the third alternative that was considered was
29 the reduced project alternative where the project site is developed with, would not be developed,
30 excuse me, with the motorsports facilities or, the project would basically be Phase I and Phase II
31 of the project, not include the third phase.

1 CHAIRMAN SCHAFFNER: Do you have any other material to present to us? Okay, uh. Then
2 at this time we'll begin opening up to the public. And, Mr. Heuberger, do you have anything
3 before we start?

4
5 HEUBERGER: Yeah, you might wish to have the applicant make a presentation or at least
6 address the project before the public comments. I mean, I know the applicants are part of the
7 public, but the applicant wishes to make a little bit of an overview of the project?

8
9 CHAIRMAN SCHAFFNER: Okay. Do we have someone who can present the project to us, an
10 overview?

11
12 BRANDON WEBB: Good morning Chairman, Commissioners, Brandon Webb. I'm the CEO
13 and founder of Wind Zero. I believe we do have a PowerPoint presentation we'd like to just
14 present a brief overview of the project, cover some of the mitigation efforts that we've done with
15 the help of the County Planning Department and their experts. And really just try to give the
16 Commissioners an overview more of the operational overview of what is actually going to happen
17 just because the unique nature of the project and also convey show, just a lot of the support we've
18 gotten from a lot of support we've gotten from the local public safety leadership in the valley
19 for the project itself. So, if we show the next slide this is kind of an historical time line and you
20 can see we've been out in the valley for just under four years. We had our first meeting,
21 conceptual meeting with the County Planning Department and Mr. Heuberger back in December
22 2006. We've had two separate formal community meetings in Ocotillo. The first one beginning
23 on June 7, on June 2007. And you can see the time line goes all the way to where we're at today.
24 You know, as part of the process, as the applicant, our goal is to really get out there in the
25 community (sigh) before we submitted our Specific Plan and listen to the concerns of the citizens
26 and get some feedback from different agencies including IVC, what the wants and needs of the
27 local public safety community in the valley and helped shape our final application.

28 We've worked closely with the County Planning Department staff, they've done an excellent
29 job working with us, pointing out areas of concern and what areas that we want to address from
30 mitigation including recommending that we did do a full environmental impact report right off
31 the bat as opposed to asking for a Negative Dec. Uh, let's see. Just a little bit about the company.

32 My personal story: I founded Wind Zero. I served just over 13 years in the Navy. Most of

1 that time was in the special forces as a Navy Seal, got combat deployments to Iraq and
2 Afghanistan and I decided to get out of the military and pursue a business opportunity cause the
3 last tour I had in the military was as a trainer. I trained Seals from basic training all the way up to
4 sniper training, I was actually the sniper program director and one thing I noticed in Southern
5 California specifically there was just a shortage of training areas for law enforcement and the
6 military. They did a big base realignment enclosure in the early nineties, We lost a lot of training
7 areas in San Diego and in the region because of it and a lot of those military installations that got
8 closed down were actually used by public safety agencies as well for law enforcement to fire.
9 The region just saw a drastic reduction in places to train (sigh) and you know I had a personal
10 impact in running the course. We actually, we moved our sniper training course to Adeberry
11 Indiana which is just south of Indianapolis So just seeing the training migrating out of state and
12 dealing with the interactions I had with the local law enforcement community, everyone was
13 crying for more training space. So that's kinda how this concept evolved. And facilities like this
14 are in existence today. There's quite a few on the East Coast that are operated very successfully.
15 They do work closely with the public communities and establish these public private partnerships
16 to work alongside a lot of the local public safety academies and conduct trainings so this is a
17 concept that is proven and in existence today.

18 Before I go on to the facility, you know, we get asked the question a lot, why Imperial Valley,
19 why not somewhere else, but we looked at, we started looking at locations, the valley really
20 appealed to us for a couple of reasons. One is the weather actually works to our advantage out
21 here. It provides a climate where you can conduct year round training. The hot climate is
22 actually desired by a lot of these different agencies anyone from the border patrol or the military
23 that operate in an overseas hot environment, they actually like that. It provides realistic training.
24 The (sigh) Imperial Valley also had a, you know it has a large public safety presence from the two
25 state prisons, you've got U. S. Customs, Border Patrol, a variety of different police and fire
26 agencies, so there's a large presence in the area and these guys need, need training space as well,
27 so that was just to give you an idea of why we chose the Imperial Valley.

28 Just to take a look at the facility. We'll start off with the highlights. The driving track, the
29 driving area is for public safety, for law enforcement, for driving there, each officer has to re-qual
30 in training every few years. It provides a place where they can do their refresher training
31 including the initial training they get. It allows fire to also practice. Anything that has to do with
32 vehicles and maneuvering, as well as training in a comprehensive way, it provides an area where

1 fire and police can work together and practice these response scenarios in unison. The other thing
2 with the driving track, how we kind of evolve the track into a car club is that when we, before we
3 submitted we had a lot of car clubs in the region from BMW, Porsche, a lot of the classic car
4 enthusiasts, these guys heard that we were building a law enforcement track and they said, “look,
5 Southern California could use a track for these, for us to come out as participants and drive. The
6 closest, really the closest road course in this region, you have to drive north of Bakersfield and
7 those tracks they employ a lot of people, they do very well. There is one in Spring Mountain, just
8 north, just northwest of Las Vegas, that operates very successfully in a small desert community
9 called Pahrump. They’ve actually started out as a track and now added more law enforcement
10 component training including an indoor range to that facility. So, so that’s kind of how we
11 added a component, just so we explain why we added that car club component to the facility. It
12 just helps drive revenue, create jobs, for the access time when the law enforcement and public
13 safety agencies aren’t using the track.

14 The indoor and semi-indoor ranges: what an indoor range is, if you guys are familiar with the
15 local range here in town, Border Tactical on Imperial. It’s a fully contained indoor facility with
16 filtration systems, a bullet, the way the range is designed its completely enclosed, the lead bullets
17 are contained and the lead is actually its actually a revenue source because scrap metal companies
18 actually will buy the lead from you and reuse it so it is a recyclable material. There’s a lot of
19 misunderstanding about it but when you look at the existing EPA and OSHA regulations that we
20 intend to comply with it’s a very, very safe operation from a safety and an environmental point of
21 view. The semi-indoor ranges, what we did there (sighs) we initially we had planned to have
22 completely outdoor ranges but what we did when we met with the community in Ocotillo there
23 was concerns over the noise so we actually shifted the ranges down to the southeastern portions
24 of our parcel and we decided to make the decision to semi-enclose the original outdoor range.
25 And what that does is just completely mitigates the noise. It’s enclosed. The decibel level is uh,
26 in reference to the noise study, but its very low and again the semi-enclosed range completely
27 contains everything, including the lead.

28 The live-fire training houses, you saw pictures of the houses that were up. Just like the range,
29 just imagine a house that’s been completely, instead of dry wall you have steel with rubber
30 coating on the side of it to contain the ricochets, but everything, this lets the police and military
31 go in there and conduct this type of training with a live fire scenario and it just contains
32 everything. So its kind of like a 360 indoor range. But the training is very important to the guys.

1 Not a lot of places that do this type of training and it gives them a very realistic type of training
2 that they can use. The indoor virtual training environments what we're talking about that is a lot
3 of what we can do in the houses and the range itself actually project scenarios onto screens. So,
4 we talk about virtual scenarios actually project smart scenarios that interact whether they're going
5 through their basic police academy or more advanced training you can step the scenarios up that's
6 what we mean there.

7 The research, test, and development and evaluation sites what we talk about there a lot of
8 industry, they partner with facilities like this because they need a place to just like the military,
9 like the public safety community they need a place to train. General Atomics, which is
10 headquartered out of San Diego they need a place to actually test systems, whether its just putting
11 a ground sensor out or a video camera. A lot of this they like to put it in these dynamic
12 environments where they can actually set a sensor or camera system up and see how it reacts to
13 the training that's going on. So that's what we mean there.

14 The meals and lodging on site, we do plan to have people from outside of the region. We've
15 been approached from anyone from the air marshals on the East Coast because in the winter time
16 on the East Coast they have a hard time training, especially driving outdoors. They've expressed
17 interest, so we know we're going to attract outside agencies into the region. We plan on housing
18 them and providing food for them.

19 Just to cover some of the local benefits, a lot of the benefits that I'm going to talk about here
20 were taken out of the independent fiscal impact study that the county did and actually required us
21 to pay for the project. But when you look at job creation, we're looking at 15 initial jobs and up to
22 165 permanent jobs and you know it's important to look at, these are jobs that were permanent
23 jobs that we're going to create as a project applicant, but there's other business and job creation
24 that's associated with projects like this. We've been contacted from, anyone from a restaurant
25 owner that was looking at locating, asking us questions about when are we going to be open so
26 that they can move in and open up a restaurant to hotel operators as well. So, we definitely, you
27 know it's hard to speculate on what that looks like but we do see that as an added value to the
28 project. What you'll see by some of the folks that we have here that actually represent the
29 leadership in the public safety community. The project provides much needed training.

30 A lot of agencies from San Diego to the valley, they have to send folks outside of the region
31 to get training. A lot of times that's even if they can get a spot. It costs money, people are away
32 from their families, so providing a local training solution is really provides a added benefit to the

1 community here in the valley. When you look at the final thing, the fiscal impact report, prepared
2 by the county's consultant, it indicates an excess of half a million dollars in taxable revenue to the
3 county. So we did see this as an added benefit as well.

4 Just to cover kind of what we do, training and services-wise, I just you know highlight the
5 first bullet point up there. You know (sigh) Augment fire and police academy training. We've
6 been working closely with IVC. They have an objective to reestablish a public safety academy in
7 the valley. What happens now is they have to send folks to, they get to a certain point at IVC and
8 then they have to send them outside of the valley to get the final training that they need and what
9 happens typically is that these guys move outside and they get heavily recruited by outside
10 agencies so it's a major. I think it's the second most popular curriculum at IVC so they're
11 basically wanting to not let these guys go; home grow the law enforcement folks and keep them
12 in the valley. So we're looking at partnering with IVC. Definitely on the police and augmenting
13 some of the fire training, the same goes with driving. The firearms tactics, that's just the shooting
14 that takes place you know a lot of it, the tactics, it's just when you go from a static environment,
15 just shooting on a range where you're actually incorporating realistic scenarios where you
16 actually have an officer stop a car. You know what do you what are the procedures, that's what
17 we mean by some of the tactics, more of the tactical type of training. Static mobile security: you
18 know a lot of desert valley security to law enforcement. These guys need a place to train and
19 practice their procedures for you know whether it's a large sporting event that's happening, you
20 know just to providing security for their patrol partner.

21 The humanitarian NGO training you know what we talk about there is more for the first
22 responder training whether you know you talk about a Katrina situation where these people are
23 deploying to emergency response type situation and they need to know how to set up, interact, we
24 anticipate that because we have this campus, village environment, we have a really good area
25 where we can bring these folks in and simulate these scenarios with role players, let them know
26 how to go train them to go into these different areas from Katrina to Haiti and interact with the
27 local population in a safe manner. Medical training is something we want to offer as well.
28 Anything, anything from basic first aid up to EMT. A lot of the unmanned aerial systems
29 training. That can be done in simulators, just like a flight simulator, we have done some of that
30 stuff already for industry and the military. The technology training is more what I talked about
31 with the research and development. Just to give you an overview of the facility. I'll kind of step
32

1 over here just so I can point it out for you guys.

2

3 CHAIRMAN SCHAFFNER: The mike.

4

5 WEBB: (You wanna bring the mike over here)

6 And down here you can see more of the campus type area, we've got the semi outdoor ranges
7 here, the skid pad.

8 This is a driving track it's called EVOC, it stands for emergency vehicles operations course.

9 What this is it's set up as more of an urban track. You put those live fire houses in there and

10 what it does is it simulates kind of a village or a city an atmosphere we can actually take a

11 Hollywood set design and make these building look like anything from a school (inaudible

12 because of a cough) Virginia Tech scenarios that you guys have to deal with to, you know, a

13 village in Afghanistan. You can do some pretty neat stuff in here. But that's what we plan to do

14 with that track.

15 Over here is the (inaudible) village, that's where the indoor ranges would be. A lot of the

16 classrooms would be inside, the lodging, the dining facilities In this area right here is the skid

17 pad whether it's fire, police, they get in there and do evasive driving maneuvers and practice that.

18 When you get over to this side, this is more the high speed track so we have high speed pursuit

19 training. The car clubs like to do time trials, and we get a lot (inaudible portion, static on

20 recording) NASCAR type racetrack which is a spectator sport and thousands of people show up..

21 That's not what this is. This is really designed for participants. (inaudible) You know, a guy that

22 owns a classic Porsche can come out and put his car through the turns on a time basis. That's

23 what we have in mind there. The center area, we have a plan for a car club house and garages.

24 Some of the garages we plan to also incorporate, just like airport hangars have office space and

25 sometimes living space. We plan to offer that (inaudible) Most of the car enthusiasts they like to

26 keep a car or two at the track and just keep it there and have a little workshop where they can

27 hang out.(inaudible)

28 Lastly, is just the RV portion which is just on the border of Molitar Road there, that gray area

29 and that's it. You see we've got the three high speed circuits and to the right there as you look at

30 it is the smaller track. We plan to use that for a go-kart track for the kids. And at this point, I'm

31 happy to answer any questions. I'm going to let Jeff Lyon from Landmark come up here and

32

1 address a lot of the technical mitigation that we put in place and then I'll wrap it up and take any
2 questions. Thank you

3

4 COMMISSIONER: Can you show us where the airstrip is?

5

6 BRANDON WEBB Yeah, I forgot my pointer. The airstrip is actually right there. So what we
7 plan to do is to incorporate it into one of the straightaways in the track. But we actually shifted it
8 in line. There is an existing airstrip adjacent to us that Don Preston owns. What we did was align
9 that strip in the same flight path so it would be like basically landing on one long strip so it
10 wouldn't affect the current traffic patterns.

11

12 COMMISSIONER GADDIS: I have some questions for you. While you're there before we get
13 off and that's on your firing ranges. You mentioned Border Tactical and I was in Big Five and
14 they were firing there, and man it reverberates through that building. My understanding is that
15 you're going to use some state of the art sound suppression. Could you talk about that a little bit?
16 How far away will you be from that structure and you say well you might here something but you
17 won't know what it is?

18

19 BRANDON WEBB: We looked at current facilities that were in operation and one of the
20 facilities we looked at was in Utah actually. We modeled our concept, especially on the semi-
21 outdoor ranges after, after their facility. You know they put us these sound absorption materials
22 up on the walls, but I was standing in the parking lot outside of this firing range and there was
23 two guys shooting high caliber rifles in there and I could barely hear it just 10 feet away from the
24 entrance to the building so without getting into, without getting real technical, we're committed to
25 being good neighbors. The last thing that we want to do as a neighbor is get a bunch of continued
26 noise complaints. But, I think what our plan is what we intend to do is just virtually take the
27 noise off the table. That's our plan.

28

29 COMMISSIONER GADDIS: So you are using some sound suppression technology, not just
30 going to put up a block wall and that's it?

31

32

1 BRANDON WEBB: Correct.

2

3 COMMISSIONER: What's the distance from your firing, your semi open ranges to the nearest
4 residents?

5

6 BRANDON WEBB: Jeff, can you answer that?

7

8 JEFF LYON: Sure. Hi, this is Jeff Lyon, G. S. Lyon consultants of El Centro. The semi-
9 enclosed firing range is actually going to be about right here and it's about 660 feet over to the
10 nearest residence. So everything is set back a substantial distance away from the residents.
11 Okay, initially I'd like to just kind of give you an idea of what we did in the design of this facility.
12 If you saw some of the earlier pictures, there's a flood plain that shows, that goes right through
13 here and exits out to under the freeway over here..

14 There's also another stream that comes in about here and it kind of comes through here. And
15 you'll notice all of the buildings have been relocated so that they're out of the path of the
16 floodway. These buildings have been kept to the west side of the floodway. These buildings over
17 here are to the south side of the floodway and everything is going to be constructed at grade
18 which means that the flood waters will just pass over the top of the---it's only asphalt pavement
19 the roadway you know at something that's going to be 40 feet wide and currently the floodway
20 goes over highway 98 which is a paved road and it's gonna be the same way. We aren't going to
21 elevate the roads. We aren't going to have any curbs or gutters to direct water to a different
22 location. So basically we've done everything we can to not affect the flow patterns or increase
23 the flow either. One of the things we've done is to have infiltration trenches adjacent to the roads
24 and adjacent to the parking lots where we'll capture the water and let it percolate down into the
25 soil which help to recharge the groundwater basin. All those things are written in to the specific
26 plan and design elements of the facility.

27 Let's see. Okay. The uh, desert architecture theme that is going to be used out here. There's
28 a couple of pictures that have---there's a architect that Wind Zero has retained that has offices in
29 the desert Southwest. They're in Phoenix so they're typically designing in Tucson and Phoenix
30 and the southwestern desert areas. There's also conditions in the tract map that require all of the
31 architectural styles to be submitted to the Planning Department for review to make sure that it's

32

1 compatible with the desert area.

2 During the preparation of the Specific Plan and going through the EIR there's some
3 major—there were concerns brought up about water and noise and air quality and culture and so
4 during the entire preparation period which has been probably over the past year and a half we've
5 had to add small sections to clarify our project for those concerns.

6 The first thing I'd like to discuss is the water. And I think that one of the commissioners
7 brought this up earlier. This is a 944 acre project and the current zoning is R-1 L-40 and the
8 current county regulations allow up to 1.5 acre feet annually per parcel. So if we took the L-40
9 designation which is a 40 acre minimum parcel size and divide that into the 944 acres you get 23
10 parcels that could be put out there with the current land use designation. And at an acre and a half
11 per year per parcel that's kind of a basic allocation of 34 and a half acre feet under current
12 ordinances. The Phase I water consumption which I've estimated is 4.1 acre feet and when you
13 add Phase I and Phase II together it's 29.2 acre feet cause the primary goal of Phase I and II are
14 just the training facilities and we have some of the driving tracks but we don't put any housing
15 elements in with those phases.

16 The ultimate water consumption, we have voluntarily capped it at 65 acre feet saying that you
17 know, no matter what, we aren't going to use any more than that. The water consumption rates
18 that we came up with are based on us using all the water saving devices that we can. In other
19 words there'll be no flush urinals. We aren't going to wash any clothes on site. We're going to
20 have as much packaged food as possible. We're going to capture all waste water and use that for
21 irrigation water after we treat it and we treat it to California Title 22 standards, we're going to put
22 it back in as irrigation water for the plants. Because most water consumption estimates are based
23 on using a portion of the water for irrigation, for irrigating your landscaping. So in this particular
24 project you show a much less per capita or per person usage because we're capturing everything
25 and putting it back into landscape water rather than using clear water to do this.

26

27 COMMISSIONER DENNIS BERGH: What do you estimate after Phase III? What's your
28 capture rate or return back to the ground?

29

30 JEFF LYON: Well the, everything, everything that is produced---

31

32

1 COMMISSIONER BERGH: I'm talking about, I'm sorry, I mean the treated water, in other
2 words, how much are you estimating that you return back to its far as trees and stuff like that?

3
4 JEFF LYON: Okay, about 40, I think that the treatment plant capacity is about 40,000 gallons
5 per day. And so all of that would be returned back for landscaping. And it's in the Specific Plan.
6 All the exact numbers are in the Specific Plan for that.

7 So the way we get the water at this particular site is to drill a well. The first well, which will
8 serve both Phases I and II is going to be where we showed the EVOC track which was the urban
9 track area at the southern end of the project. We have a pump that's put in there for up to 50
10 gallons a minute. It doesn't mean that it's going to be running at 50 gallons a minute all the time.
11 It's going to run just long enough to fill up a 200,000 gallon water tank which we're required to
12 have on site for firefighting purposes. Once we're in the water tank, then we have to put on a fire
13 pump that will pump up to 1500 gallons a minute so that we have fire protection on each of the
14 buildings. But we're certainly not drawing it out of the ground water basin at 1500 gallons a
15 minute.

16 Um, again as I said, we're going to treat all of the wastewater from the facility from Phase I.
17 No septic tanks will ever have a leach field. We will have, there's a tank itself which will be
18 installed at each building but that's the initial breakdown of the solids and then the liquid flows
19 out into a pipeline system that's tight, will go all the way to the treatment plant, get treated,
20 pressurized, put back in purple pipe and be used for irrigation. Um..

21 Before we go on with Phase III, this is something that came up during the process, because of
22 the amount of water use that's in Phase III, which has the hotel and the residences and stuff, we
23 agreed that we would have a groundwater basin management plan completed. In other words an
24 independent consultant, that the county hires will look at the data that is obtained from our
25 production well and the monitoring wells that we are required to install to both monitor ground
26 water quality and ground water depth and after, and we're going to do that on a quarterly basis all
27 the sampling. That will be given to the independent consultant. He'll be looking at drawdown
28 rates and just evaluating the whole basin for the Ocotillo area the Ocotillo-Nomirage area.
29 Currently there is not a groundwater basin management plan that exists out there, but our project
30 isn't going to end up funding that plan and when we see that there's a sustainable water supply
31 available for Phase III, then and only then will we go on with our Phase III development.

1 COMMISSIONER GADDIS: Jeff I have a question. Is all that public information, monitoring
2 wells--?

3

4 JEFF LYON: Yes it is.

5

6 COMMISSIONER GADDIS: And Nomirage will have access to that information of what your
7 monitoring wells are showing and how much water you're pumping?

8

9 JEFF LYON: Yes, absolutely, it's a condition in the tract map, I couldn't tell you exactly which
10 number. But Mr. Black has all of the conditions there. And it specifically states that we're going
11 to be doing quarterly sampling, we're going to give the reports to the county. It indicates that
12 it'll be an independent consultant that does all of the plan development and uh, uh and analysis,
13 so it's something we're funding but it's completely out of our hands.

14

15 COMMISSIONER GADDIS: But it will be available to the public?

16

17 JEFF LYON: Oh certainly, everything that the Planning Department does is available to the
18 public.

19

20 COMMISSIONER GADDIS: My understanding was that some of these, David I don't know,
21 are all the monitoring wells is that all public information, anybody can access it?

22

23 (Inaudible and then loud laughter from Heuberger)

24

25 PLANNING DIRECTOR HEUBERGER: Much of the information on the ground water wells is
26 public. There is some restriction on some of it and we keep those in confidential files. Test data
27 on the water quality pretty much is. Water levels that we have done by USGS . We have a
28 contract with USGS to do groundwater monitoring, not just in Ocotillo but in other parts of the
29 county. They provide an annual report to us on changes and that is a public document as well.
30 So, a lot of it is public but there are some restrictions. What he's talking about specifically with
31 regard to the water levels and with regard to the constituent of the water, the chemical analysis of

32

1 the water, those test reports would be public documents.

2

3 COMMISSIONER GADDIS: But normally the monitoring wells would be confidential or would
4 that be public information?

5

6 PLANNING DIRECTOR HEUBERGER: When you say the monitoring wells,

7

8 COMMISSIONER GADDIS: That they're going to install around their main well.

9

10 PLANNING DIRECTOR HEUBERGER: The data from those wells will be public data.

11

12 COMMISSIONER GADDIS: That was the question.

13

14 JEFF LYON: And I know that, I think it was Mr. Bergh that asked previously, about pulling 29
15 acre feet per year out of a single well. I think, you know, the general consumption that's used in
16 Plaster City is four hundred, an average of four hundred and some acre feet a year and I think
17 that's pulled out of one or two wells in Ocotillo. So 29 acre feet a year is not a real high
18 consumption rate out of a single well.

19

20 UNIDENTIFIED SPEAKER: Add it up ...(inaudible)

21

22 PLANNING DIRECTOR HEUBERGER: (laughter) What did you say? (more laughter)

23

24 JEFF LYON: Okay, another area of concern was the noise, and I think Brandon spoke on this
25 briefly, but on the outdoor shooting ranges, there's fifteen foot high masonry walls all the way
26 around it and over the top of the range there's steel baffles, they're suspended by like steel trusses
27 and they have a baffle shield so that no matter at what angle you pull up a rifle and stuff it
28 deflects the bullet back down into the range. At the end of the range they have bullet traps which
29 capture the lead and uh and put it back in for recycling. Most of the information you see on
30 health hazards is because stray lead bullets on the old firing ranges that just had a dirt backstop
31 and stuff and then the lead is in the soil and then it leaches down into the ground and so on and so

32

1 forth. So EPA has best management practices for outdoor gun ranges now and so all of those will
2 be used in the design.

3 Earlier, there was a discussion about the helicopter landing pads. As a condition of the
4 project, the helicopter activities I think are limited to twice a month. That'd be like two days in a
5 month. And the maximum that a heliport pad would be used is one landing every hour. And it's
6 only during the daylight hours. We don't have any night time operations at all. But one of the
7 advantages of having the heliport landing pad there is the Border Patrol sometimes needs to be
8 able to communicate with a sheriff substation. Now part of the project is we are going to build a
9 sheriff substation into the indoor firing range. And the heliport is located right next to that, so
10 Border Patrol would be able to land their helicopter there, be able to communicate with the
11 Sheriff's Department. Also for Medevac purposes, if there's somebody in the community of
12 Ocotillo that has some kind of medical emergency there's a heliport there that the Medevac
13 helicopter can come to and they can life flight people out of that.

14
15 COMMISSIONER GADDIS: I think, Jeff, what the discussion was, was the flight pattern is
16 going to be restricted?

17
18 JEFF LYON: Yes, correct.

19
20 COMMISSIONER GADDIS: In an emergency obviously that doesn't apply

21
22 JEFF LYON: Yes, that's correct

23
24 COMMISSIONER GADDIS: but for anybody else its going to be a restricted flight pattern.

25
26 JEFF LYON: Yes, and one of the things that I mentioned also was, there is no intent for like
27 when you're doing off-roading then you do, this is not an off-roading track. This is just on
28 pavement track. That's where you have chase helicopters going on like the Baja 500, Baja 1000
29 stuff and there's no need for any of that at this facility. Like I said, there's observation towers,
30 you can see everything that's happening on the track. So the helicopters would just be coming
31 straight to that pad and then departing out. And as I said before, we'll incorporate that as a

1 modified condition, because we already have a condition for acquiring the FAA approvals, we
2 could do that.

3 One of the other things on noise, the only thing that's going to be used at the facility are
4 handguns and rifles. There is no ordnance, so there's nothing blowing up, doing anything like
5 that so no loud explosion noises.

6 OK, one of the others things was air quality issues. One of the things, and Brandon mentioned
7 this before. The indoor firing range, there's a filtration system that captures, or that filters the air
8 for like any of the, like carbon monoxide and lead, lead that's in the air resulting from firing of
9 the handguns inside. The other thing that they also have, they have composite bullets that aren't
10 lead and that way you aren't dispersing any lead dust and stuff when you do that. That is some of
11 the ammunition that's listed in the Specific Plan that can be used on the facility. Also because of
12 some concerns about ten years ago with indoor and outdoor firing ranges OSHA developed some
13 standards for the ranges and the EPA developed some standards for the ranges and the intent is to
14 comply with all of those standards.

15 There was a greenhouse gas study done by the county or the Environmental Impact Report
16 preparer consultant that indicates that there was no significant impacts on this site. One of the
17 things that if you guys know that property it had been tilled by the previous owner for a number
18 of years and when a big dust storm came all the dust seemed to come from that facility. With
19 development of the project, anything that's disturbed we intend to put down a dust palliative on
20 the ground. That's like a polymer that coagulates, makes a crust on the soil and stops the dust.
21 So that would be one advantage to do that. Also, there's a misconception that we intend to do
22 some off-road activities here. There's nothing that occurs off-road. Everything is on a paved
23 surface. All of the tracks, its intent is to keep everything on a paved surface.

24 Also, on the motorsports side, Brandon mentioned this before too, but this is not for
25 competition where we have a grandstand that fills up and you have a big traffic jam when
26 everybody leaves. These are for car clubs and its for the training of the public safety people.

27 The last, the last thing I'll talk about is the cultural site. From the start, once there was an
28 archeological study conducted on the site, we found there was a number of artifacts that were
29 indeed on the site. Because we knew that this was a sensitive area, we retained Jay von Worlhoff
30 and Steve Lucas who is a member of the Laguna Mountains Indian tribe to come down and
31 review the report, review the site and make sure, certain that everything was going to be handled
32

1 correctly on that. So what we ended up having to do, is we had to move some of our facilities
2 around to make sure that we weren't going to impact anything that would be considered a
3 permanent cultural resource site so some things can be picked up and archived and put in the
4 desert museum. That's our intent is to help that museum out. The other thing, some things need
5 to be left in place. And so they call that permanent, to cap and preserve it in place. And so again
6 there is a Phase II study part of the conditions of approval that requires us to come up with and
7 identify each one of those sites, avoid the ones where we have to avoid , archive the ones we can
8 archive. We, as the project proponent we met early with the Quechan and the Cocopah tribes to
9 prevent/present them with a copy of the cultural study and to make sure that they understood what
10 was there, and one of the things we've agreed to do is to have a native American Indian monitor
11 on site at all times during construction so that if anything is discovered then it will be properly
12 handled at that time. I'll let Brandon wrap up and we'll probably handle questions later, some.
13 Okay.

14
15 BRANDON WEBB: Just to summarize, this is just our latest editorial on the project. But what I
16 think this speaks to, while we can't possibly please everybody in a community, we have we have
17 really made an effort to get out there in the community. Our goal, our policy is to be a good
18 neighbor and partner with the agencies in the valley and really develop a facility that the valley
19 and Ocotillo can really be proud of. So I think that's what this speaks to. Just a final slide. Just
20 kind of shows the support that we've gotten here. Locally, every agency that we've met with that
21 could legally endorse the project once they had met with us took the time to sit down and learn
22 about the project has just got behind us and given us a hundred percent, support formally
23 endorsed the project so it gives you an idea of the public safety leadership out there in the
24 community that has really gotten behind this project. With that I'll wrap it up. I'm happy to
25 answer any questions now or we can wait til later after the public comment.

26
27 COMMISSIONER GADDIS: I have one more question. You mentioned medical training but
28 you didn't mention any onsite medical facilities. What, are you going to have some type of on-
29 site medical facilities?

30
31 BRANDON WEBB: Yeah, we'll have a dedicated medical facility onsite to deal basically with
32

1 any type of minor injuries that would happen in training or on-site. We'll also have a
2 stabilization area if there was a medevac type situation. Just to point out, when we did our
3 insurance application, you know there's this perception around safety and firing firearms and
4 driving but statistically on facilities like this there's actually less than two hundred serious
5 injuries nationwide per year in facilities of this nature. So the insurance was pretty—was actually
6 a lot less than we thought. It is just a very... Everyone is focused on safety. There's procedures in
7 place to address the safety so you're actually safer being on site Wind Zero than you are driving
8 your car to work.

9 But to get back to the question, definitely we plan to have our own internal medical facility as
10 well as we'll have our own our own ambulance staged on the track on site with a dedicated EMT
11 at a minimum on station during all evolutions. Typically a lot of the departments will provide, in
12 addition to our own, they'll actually as a part of their policy, provide a medical person onsite
13 during all training activities.

14

15 COMMISSIONER GADDIS: But you would have an EMT on site at all times?

16

17 BRANDON WEBB: Correct.

18

19 COMMISSIONER GADDIS: Would he be available--I would assume you wouldn't object if
20 somebody gets hurt

21

22 BRANDON WEBB: That was something that the community brought up (Gaddis speaking at
23 same time is inaudible) Being a good neighbor, we wouldn't refuse anybody any treatment if
24 there was an emergency absolutely, its just part of a good neighbor policy, while we're not going
25 to open a clinic, Monday through Friday.

26

27 COMMISSIONER GADDIS: Right

28

29 BRANDON WEBB: But, absolutely, we're out there and we're happy to help out in any way we
30 can.

31

32

1 COMMISSIONER GADDIS: Would you be open to in an emergency situation we could go to
2 you and you would be available?

3
4 BRANDON WEBB: Sure

5
6 COMMISSIONER GADDIS: A car accident on Interstate 8 and you're right there. The nearest
7 facility is--

8
9 COMMISSIONER: First responder,

10
11 BRANDON WEBB: yeah. Absolutely.

12
13 COMMISSIONER GADDIS: You'd be willing to do that?

14
15 BRANDON WEBB: Yes, I think we even speak to it in the Specific Plan.

16
17 PLANNING DIRECTOR HEUBERGER: Earlier on, you were talking about the runway and you
18 made a comment about it being aligned or in alignment with another runway therefore creating a
19 longer runway. Can you explain what you mean by that?

20
21 BRANDON WEBB: Yeah, Jeff, would you want to—

22
23 PLANNING DIRECTOR HEUBERGER: Or Jeff, whoever, I'm sorry.

24
25 JEFF LYON: Actually this is an earlier drawing that we had before we changed the runway as
26 part of one of the comments after the scoping meeting. The runway, Mr. Preston's runway is
27 right here. So what we did was make an extension of the runway and actually change the driving
28 tract shape so that it would be one runway. Before we develop the runway, we put that in a phase
29 three project because we still need to have discussions with Mr. Preston on the logistics and come
30 to an agreement on how we would be able to improve his runway and be able to utilize that. So
31 in the phase III after we've reached agreement with Mr. Preston, it would be just one single

32

1 runway about 4000 feet long.

2
3 PLANNING DIRECTOR HEUBERGER: And, I guess that's one of my questions. Assuming
4 that and I haven't been in tune with this project for the last few weeks. Assuming that you don't
5 have an agreement with Mr. Preston or whoever happens to own that land in the future, you
6 would still have your runway and he would have his or there would be no runway?

7
8 JEFF LYON: There would be no runway.

9
10 PLANNING DIRECTOR HEUBERGER: Okay, so in Phase III if there is no future permitting or
11 agreement with the adjacent land owner, then that part of the project would be eliminated.

12
13 LYON: That's correct. Actually, Mr. Black has a condition just like that. It says exactly that.
14 We won't put the runway in unless we come to an agreement with Mr. Preston and then there is
15 also some roadway abandonment issues rerouting traffic and providing alternate access so until
16 we got all of these things settled we would not put the runway in.

17
18 PLANNING DIRECTOR HEUBERGER: My other question had to do with the wastewater
19 treatment facility. I asked staff a few minutes ago, but I didn't get an answer. The operation of
20 that, the collection system operation, how's that going to be handled?

21
22 LYON: LAFCO requires that a public utility company be established. And so after this project
23 is heard, and when it becomes a viable project we'll be applying to LAFCO to establish that
24 public utility company and then it will be funded by the developer and also by, if parcels are sold
25 off to investors and stuff they each would have a usage fee and it would go to perpetuate the
26 operation and the maintenance of the wastewater plant, also the private roads that are there, the
27 irrigation system, the lighting that's there. It states that in the Specific Plan and Mr. Black has
28 that as a condition in the tract map.

29
30 PLANNING DIRECTOR HEUBERGER: Well that's the reason I asked because I didn't see the
31 condition.

1 JEFF LYON: We added it

2
3 PLANNING DIRECTOR HEUBERGER: I'll take your word for it. He probably doesn't
4 remember he has it in the conditions, but we'll find it before the end of the meeting.

5
6 JEFF LYON: We discussed that yesterday to make sure and put some additional language for
7 that. It was kind of an assumed thing. We found a place we could add that in there.

8
9 PLANNING DIRECTOR HEUBERGER: Okay.

10
11 CHAIRMAN SCHAFFNER: Thank you. Okay, if that's it, before we move to the public I have
12 a disclosure here. I want to disclose that about two or three months ago, before I even saw any of
13 the material on this project, the EIR wasn't out yet, a lot of people asked me what this project was
14 and you heard things I heard this was wind people and whatever, so I had a meeting with Mr.
15 Webb. I said who are you and what are you doing and we met for fifteen twenty minutes and uh
16 that's it. Got a bunch of answers so, basic answers.

17
18 COMMISSIONER: Yeah also I had the same type of meeting also more than three months ago
19 they came in and explained the project to us but there was no information out at that time no EIR
20 reports nothing and they just told us what they were doing and that was about the gist of the
21 meeting.

22
23 COMMISSIONER: I also had a meeting with them about four months ago, three or four months
24 ago in my office.

25
26 COMMISSIONER SERGIO CABANAS: I also had a meeting with them, same type of situation.

27
28 CHAIRMAN SCHAFFNER: Okay, we're going to open this up to the public. Once again I'm
29 going to briefly go over what we're going to do. I'll give you five minutes and I would ask that if
30 someone is at the podium speaking the next person who wishes to speak, feel free to come up and
31 stand at the other podium and be ready to speak. That will help move things along so it doesn't

1 take all the time for you to come walking forward after each speaker. And everybody will be
2 allowed to speak one time and then we'll let the project people talk one more time. Yes, Mr.
3 Heuberger.

4
5 PLANNING DIRECTOR HEUBERGER: Just a couple of housekeeping issues. Number one:
6 you may want to take a break at some point in time. Number one. And number two: given the
7 schedule and the time of day it appears we'll go past the twelve o'clock or one o'clock or maybe
8 even two o'clock time frame. So we'll need some direction from your Commission what you
9 want to do as far as taking a lunch break if you assume you want to take one. I don't care. I
10 don't often eat lunch, but some of you do. Some of you may have a need to eat lunch, you know
11 for medical reasons or whatever. So if you give us direction we can always have either lunch
12 brought in or take a break at a specific time so that the public knows that they can also
13 accommodate that.

14
15 CHAIRMAN SCHAFFNER: I can go all day. The Commissioners have been instructed to
16 wear Depends today so we can go (laughter) you all remember that right(laughter)

17
18 COMMISSIONER: No, no!

19
20 COMMISSIONER: Didn't get the memo.

21
22 CHAIRMAN SCHAFFNER: Whatever your pleasure. Do you want to break now or just?.

23
24 PLANNING DIRECTOR HEUBERGER: I think a break now would be appropriate for people
25 and then the decision made now as to what you want to do for lunch. Do you want break and
26 close down for an hour or 45 minutes and come back after lunch. What's your pleasure? I mean
27 I don't care.

28
29 CHAIRMAN SCHAFFNER: An hour?

30
31 Yeah

1 PLANNING DIRECTOR HEUBERGER: So we'll break at 12:00 to 1:00 or close to 12:00 to
2 1:00 depending on where we are in testimony.

3
4 CHAIRMAN SCHAFFNER: And we'll take what a ten minute break now and then we'll break
5 from twelve to one.

6
7 PLANNING DIRECTOR HEUBERGER: Okay, thank you.

8
9 CHAIRMAN SCHAFFNER: Ten minute break.

10
11 CHAIRMAN SCHAFFNER: Okay, I'm going to bring this meeting back to order. We have a
12 couple of individuals who had some health issues who've requested to speak first . We'll allow
13 them to speak first. We have some gentlemen in uniform who have to get back to work, and so
14 stand in line and you guys can get in there as soon as they're done.

15 Are you ready with the clock? Okay. Please bear in mind as soon as you come to the
16 microphone, state your name and address for the record, then I won't have to ask you each time.

17
18 LAUREL WARE: Are you ready?

19
20 CHAIRMAN SCHAFFNER: Yes.

21
22 LAUREL WARE: I thank you all for allowing me this opportunity to speak to you today. My
23 name is Laurel Ware. I live in Ocotillo. My husband and I have been residents for twenty seven
24 years.

25 In our community area plan, I read of the importance Imperial County Planning Building
26 Department places on the conservation and preservation of our aquifers and to protect the existing
27 rural character of the area. We are now under consideration for cumulative projects that may be of
28 cross purpose and extreme detriment to this plan. I will briefly read a note from one of my fellow
29 Ocotillans, Donna Austin in Nomirage area.

30 "To whom it may concern, my well has gone dry in this last month. This was written in July.
31 I now have to truck my water in. The cost of digging a deeper well is over \$10,000 , not to
32

1 mention getting permission for a permit, and getting permission from environmentalists plus their
2 costs.

3 "It is my further concern that my neighbors may have this problem since their water table has
4 decreased significantly."

5 With your request that such great amount to be drawn from aquifers, I fear that this will
6 happen to many of my Nomirage residents.

7 We are in an oasis, a fragile desert region that relies on it's aquifers for water...an oasis with
8 quiet, scenic beauty, burials, sacred sites and wildlife habitats.

9 The few concepts adopted by the Board in support of the Ocotillo/ Nomirage Community,
10 listed in it's area plans for quiet communities and rural areas. The Wind Zero project includes
11 helicopters, a race track, shooting ranges, numerous people and vehicles. I know that they have
12 taken precautions to make this a quiet type of project, but the reality of this situation is that with
13 all of this going on, the noise pollution is going to be terrible. It would surely destroy our quiet
14 oasis. It would be unconscionable to allow such destruction of this unique oasis and subject the
15 residents to projects that could threaten the quality and availability of life and water. I respectfully
16 urge you not to allow Wind Zero in the Ocotillo/Nomirage area. Please do not sacrifice us. I thank
17 you very much for your time.

18
19 CHAIRMAN SCHAFFNER: Thank You.

20
21 JIM MCGINLEY: I'm Jim McGinley and the Chief of Police of El Centro. I've have thoroughly
22 reviewed the Wind Zero project and it would be of absolute assistance to us in the El Centro
23 Police Department to have the training facilities in the future and all the things that have already
24 been outlined, including the list of support from the local the Chiefs of Police associations. So,
25 with that, I 100 percent support Wind Zero being approved. Thank you.

26
27 COMMISSIONER GADDIS: Where do you send your people now for training?

28
29 JIM MCGINLEY: The majority of people I have for basic training, I have to send them to
30 Riverside. I have to pay for them to stay up there, because they can't commute back and forth, so
31 it is extremely expensive for basic training. And for driving EVOC, I have to send them either to
32 San Diego, San Bernardino or Riverside depending on the availability.

1 COMMISSIONER GADDIS: And, So you foresee this facility providing all you would need for
2 training?

3
4 JIM MCGINLEY: Yes, and I also see for the future with the connection with IVC, and POST,
5 Peace Officers Standards and Training in Sacramento, actually becoming a very viable resource
6 for all law enforcement in San Diego County and Imperial County for ongoing officer training
7 and new officer training.

8
9 CHAIRMAN SCHAFFNER: Thank you. Yes ma'am.

10
11 BARBARA HILL: Gentlemen, I'm Barbara Hill from Ocotillo, Ca.. I'll try to be brief. The
12 Unites States of America has promised to protect our natural resources of these United States, that
13 means water, air and land. Water is our life source of all living things. You cannot live without
14 water. But you, gentlemen, are playing Russian Roulette with every living being in Nomirage,
15 Ocotillo and the surrounding area. Mr Heuberger has signed our water rights away with your
16 consent. Remember when I asked what an acre foot of water was? One acre foot of water is
17 326,000 gallons of water. Mr Heuberger gave USG 767 acre feet of water. And there was no
18 prior usage of the usage of that amount that USG used. They say they have used 400 acre feet of
19 water, but they have been allowed 700 acre feet.

20 Granite gets 125 acre feet of water.

21 OK. In a, the solar panels that have been OK'ed, ask 40 feet of acre feet of water. The wind
22 towers have asked for 67 feet of water, which you all have given permission to put in test towers,
23 wind towers. OK. Then Wind Zero has asked for 65 acre feet of water – 21 feet here, 22 feet there
24 or 4 feet there. It all adds up. If we do the math, it's quite a bit of water. We have only one little
25 aquifer. It not the great lakes, it isn't rechargeable. I'm afraid when you start drilling these deep
26 wells, it'll bring up salt water. That's going to wreck all of our water.

27 And, I think the EIR reports are wrong. Since we've had these earthquakes, only a mile and a
28 half from us, the new quake that they found. The big earthquake at Easter. It was 7 points. OK.
29 We felt that pretty good at Ocotillo. We've had some damage. But the one that did the most
30 damage to us was that 5 point quake. I had a whole wall of 28 pound cylinders come down, crack
31 in the foundation, almost threw me out of bed. So you know, I think it's very possible to put this
32 on hold to have your EIR people go back in there, do this earthquake study. We've had over

1 8,000 quakes since Easter. That's a lot of quakes. We've had magnitudes up to 5, 4. We've had
2 even up to 10 to 20 quakes a day. That's very disturbing. Our water, my neighbor next door, I
3 was over to his house, his well went dry three weeks ago. And that's right across the street from
4 where you're planning to drill this well. I'm worried about my well. It's right across the street.

5 So gentlemen, please take care. It's very important. Our property value has already gone
6 downhill because of Wind Zero. You could buy a 4, uuuh, 2 acre lot for \$40,000 twenty years
7 ago. You will not get that today. My neighbor that lives on the top side of me. He bought his
8 house four years ago. He can not get the same price that he bought it for today. And he's made
9 over, I'd say he made over \$100,000 of improvements in concrete, building, paint, roofing,
10 interior. It's not worth it because it's right across the street. And the realtor won't even come out
11 and list it, because of what's happening out there at Ocotillo. We worry about the water. You've,
12 so you've already, you've put us in a world of hurt, because we're out here for retirement. And,
13 what if we want to sell, we can't even get our money out of it. Thanks guys. I do appreciate your
14 time.

15
16 CHAIRMAN SCHAFFNER: Thank you.

17
18 MIGUEL CALOGNE, JR.: Good morning. Miguel Calogne, Jr, . Imperial Police Department.
19 I'm also Chairman of the Imperial Police Chiefs and Sheriffs Association. I'd like to thank the
20 Commissioners and everyone who's come here this morning. Even those opposed to the project,
21 'cause without their voice, you folks won't be able to make a informed decision. And, without
22 their voice, Wind Zero would not be able to mitigate some of their concerns, or address some of
23 their concerns properly, so I appreciate that. Having said that, as you've heard all this morning,
24 the law enforcement community is in favor of this project. And, some of the reasons are, it's cost
25 effective for training. It provides an outlet close to home. It helps us recruit locally. A lot of our
26 talent goes out of the county to work law enforcement.

27 Imperial County is party of the Southwest border region. I call Imperial County Homeland
28 Security Central because of the high presence of homeland security people we do have in
29 Imperial County.

30 They bring a lot of people into the area, a lot of salaries, and they help spur some of the
31 development in this area. And it has been good for the County . As far as property prices, I mean,
32 I bought a house in Imperial. Because of the economic downturn, my property's not worth one

1 half of what I paid for it. And I don't think Wind Zero had anything to do with it. It's just a sign
2 of the times right now. Law enforcement needs this project, not only for these jobs. It's, it's
3 relevant training that we can use, each and every day.

4 As Chief McGinley said, we send people out people to San Diego, Riverside, San
5 Bernardino. Sometimes I have to send people to Sacramento for the EVOC training there at the
6 CHP academy for training, very expensive. And, cities like Imperial, Westmoreland, Calipat, we
7 have very little resources to provide that kind of relevant training, so I don't want to beat a dead
8 horse, but we are in favor of this project. And, we thank you very much for your time.

9
10 CHAIRMAN SCHAFFNER: Thank You.

11
12 JASON JACKSON: Good morning. Jason Jackson, El Centro, California. I come today in
13 support of the Wind Zero project. I am speaking with two hats today. I am the Imperial County
14 Chairman of Work Force Development for our County. Certainly any project that brings much
15 needed jobs to an area that has near 30% unemployment, with livable wages is certainly
16 something that we are in favor of. We spoke with the representatives of Wind Zero and offered
17 to assist them with training dollars to train their staff. So from the Work Force Development
18 standpoint, we certainly support this project and are in favor of it..

19 My secondary hat is that I am general manager of Desert Security Services and Training
20 Facility. We are the only licensed state training facility for security officers in Imperial County.
21 We work with Imperial County College to train their students in both some POST requirements,
22 for POST standards, as well as security training for some of their classes. We see this as a direct
23 benefit to our training facilities, that we'd be able to use this facility, not only in firearms
24 training, but in defensive driving techniques. So, from both standpoints, we certainly are in favor
25 of this project and urge you to support it and get this project off the ground. Thank you.

26
27 CHAIRMAN SCHAFFNER: Thank You

28
29 RICHARD RYAN: Greeting. Richard Ryan, El Centro. And hello to fellow citizens and
30 Commissioners. From the Introduction to the environmental analysis, the assumptions used, page
31 4.0-1, at the bottom of the page, it states the project would not be consistent with the
32 Ocotillo/Nomirage Community Area Plan designation for the proposed site or the adopted

1 zoning.

2 And then what goes on after that is incredible gymnastics by consultants who are hired hands
3 to show that a very incompatible project would fit into a residential quiet area. And I find that
4 somewhat incredible.

5 I really urge you to go out and walk the area. This is a special area. It is incredibly peaceful
6 and scenic, even though the EIR says there is no scenic value there.

7 Some of my colleagues are here. We have a small hiking club. We often go hiking south of
8 Hwy 98 there. It's really a beautiful area.

9 The northeast and north area of this proposed site includes an incredibly dusty area. I've been
10 on a PM – 10 advisory commission, and its often, a citizen's advisory commission. It's often
11 pointed to as difficult area in the valley. And, due to development, I really think this will be
12 increased. The dust problem, the PM 10 problem, which, as you know the county has a lot of
13 problems with. And I find it curious that core dust stabilizers, but I don't see that helicopters
14 are dust stabilizers. I don't understand that whatsoever.

15 However, as a gated community, Wind Zero will not be integrated with local residents or
16 local governments. The goals of Wind Zero are not compatible with community or county
17 issues. The vast majority of owners and users will be outsiders and their motivation will not
18 oriented toward any local needs. This is a for-profit operation. And it will ... Serving local
19 emergency personnel is not job one, regardless of the promises.

20 All of the training for local, state, and federal law enforcement who are situated in Imperial
21 Valley already exists throughout California. And as you have heard, often throughout southern
22 California. These are not unreachable sites. The Criminal Justice, AA degree bat IVC , is
23 culminated at my campus, San Diego State University, Imperial Valley Campus where students
24 complete a four degree. I don't really understand the, the the part of their track they'll complete
25 at the Wind Zero facility, or what the costs will be. So I found that a fairly inconsistent
26 statement., one of these so called promises that it is going to assist Imperial Valley. I don't really
27 see how that fits in with those students. And it is the majority of the students, a large chunk of our
28 students. I think it is the second highest major at SDSU -IV Campus are CJ students and they do
29 finish at our campus. I really don't understand the Wind Zero connection to that.

30 And then lastly, one of the consultants said to take the noise off the table. This is what we're
31 going to mitigate. And, what I suggest is heed the community plan, that the project would not
32 be consistent with the Ocotillo/Nomirage plan designation for the proposed site or the adopted

1 zoning. And that would certainly take noise off the table. Thank you.

2
3 CHAIRMAN SCHAFFNER: Thank you.

4
5 CHARLOTTE TEETERS: Good afternoon. I am Charlotte Teeters, of the Imperial County Film
6 Commission. I am here in support of the Wind Zero project. Filming represents, at least just this
7 past fiscal year, just above 1.5 million dollars in economic impact for our county. And the Wind
8 Zero project, for me personally, and for filming in our area, would be a tremendous marketing
9 tool. The driving track is a huge benefit for car commercials. We're already a big draw for car
10 commercials, having a private road, track, curves, those kind of things, that's a huge marketing
11 tool for me to bring people down here. Excuse me. Also the urban area with the facade buildings,
12 it is, basically, it's a back lot, a back lot for me to be able to market, when it is available, for
13 filming to use there, and this is a low noise level kind of thing. This is cameras this is people
14 acting, and so I see it as a huge benefit. I also see it as an additional employment opportunity, not
15 just for who would be hired at Wind Zero, but for the part time employees that my film
16 commission could bring to that area. I'm just here in support of it, and I hope that you will be too.

17
18 COMMISSIONER GADDIS: Have you spoken to Wind Zero about availability to you for your
19 use?

20
21 MS TEETERS: I have. I mean we obviously, there's things would have to be coordinated, and it
22 depends on who is wanting to use at that time, but it is a big marketing tool, for especially larger
23 budget items.

24
25 COMMISSIONER: And they have assured you that it will be available to you and your
26 customers?

27
28 MS TEETERS: We have talked about that availability, but again, it all depends on who is renting
29 it out and who is using it. And, that is a coordination issue.

30
31 CHAIRMAN SCHAFFNER: Thank you. Yes Sir.

1 SADRACH PALOMARES: Good morning, Mr. Chairman and the Commission. To me, from
2 what I've heard.....

3
4 CHAIRMAN SCHAFFNER: Your name and address please.

5
6 SADRACH PALOMARES: My name is Sadrach Palomares . I live at 826 Kindig Ave in
7 Brawley.

8
9 CHAIRMAN SCHAFFNER: Thank you.

10
11 SADRACH PALOMARES: To me, this EIR is not completed by a long shot. Too many...”I
12 didn't prepare the report”. “I assume”. “I don't know”. “Maybe, I guess”. And these are questions
13 to them coming from you. Based on that, I don't know why these other people that are for Wind
14 Zero ?... If you don't know the answer to these or you have questions, I don't know why these
15 people say that they support Wind Zero.

16 Being also a retired law enforcement and military, there's, this project should have been
17 started. ...they should have started by having town hall meetings to inform every city what's
18 gonna happen here. What they're gonna do and what's gonna happen.

19 Like I said, to inform the people what's really gonna happen here.

20 Tell them the truth. All the toxic that's gonna be coming from those weapons. How would
21 you like to live right next to it? How would you like your parents to be living there?

22 The, ah, also, prior military. We have a lot of veterans there. All this is gonna come back,
23 you're going to be, I mentioned it before, scraping a scab – you're gonna make it big again. And
24 you're gonna to be going back to where you were in the trenches 20, 30, 40, 50, 60 years ago. Is
25 that what you want to do to your veterans - heros? Being military, I don't know why they want to
26 build this; and sacrifice our veterans. All those helicopter blades and what are they gonna shoot –
27 57,000 rounds per day, I think ? All those explosions. ...all that mercury that's going to be
28 coming out of those explosions.

29 I really.....The EIR, to me, is not completed.

30 I'd just mention one thing. Is there been any psychiatrists there to see about the noise that the
31 veterans are gonna hear, the helicopter, that he's going to see. Those people with PTSD. Have
32 they taken that into consideration? - the EIR representatives? I don't think so.

1 Just the noise. But even just by looking at stuff or smelling things that they smell in the
2 military trenches in war. That'll bring it back to them. Why do they want to do this to the
3 veterans?

4 I don't understand that. Why Ocotillo? Why next door? Why across the road from them?
5 There's more land. They don't have to be right next to the community. There's other land far
6 away from the community. Why are you gonna poison the air?

7 The, ah. I know the law enforcement is for it. I was in law enforcement before, and don't get
8 me wrong. I'm not against law enforcement. The thing of it is, is why there? .I know they need
9 their training.

10 But why there, next to the community, when there's other locations.

11 I could be here for hours and hours telling you about different things, and the toxics of things
12 that come off of those explosions.

13 But please take in consideration the people that lives there. The veterans, and this is gonna be
14 built right next to them? That's OK. Go ahead, but not there. Not there. Do it some other place -
15 away from the people. That is gonna affect the whole county, believe it on not.

16 I know a lot of law enforcement's out for it, but is not, ah, they don't know anything about all
17 the environmental impact. They don't. If you have a lot of questions, they don't know better
18 about it either. Thank you.

19
20 CHAIRMAN SCHAFFNER. Thank you. Yes, sir.

21
22 PETE MARCALES: Pete Marcales. The Calexico Fire Department, I'm the Fire Chief down
23 there. 1197 Gulf Court in Calexico. I'm here to speak on behalf of my support for the project. I
24 believe it has a lot of regional importance for us. We, ah, aside, along with from law enforcement,
25 we have to travel outside of this county to receive our training, a lot of specialized training that
26 we don't have here. It's mainly due to facilities, due to resources. We don't have the expertise of
27 a lot of our instructors that come here to teach, We just don't have the facilities. that would
28 facilitate that type of training. The majority of our training right now, including IVC, because I'm
29 an Instructor there as well, takes place on our facilities that we currently occupy. So, we turn our
30 fire station into a structure that we can perform, rapid intervention, crew training, repelling,
31 laddering buildings. So having fixed facilities out there, allowing ample space for us to move
32 around and incorporate different types of training related to the fire service, both in suppression

1 and rescue and other type of tactics, that it provides us that space. Having that time with the
2 Imperial College also provides a component to adequately train our recruits. We have a make
3 shift facility that we use in Imperial County Station 2 to train our recruits out of the academy. We
4 do have a, it's going through the accreditation process right now as a state accepted academy, and
5 one of the components it really lacks is the facilities. We don't have the facilities that incorporate
6 that, so a lot of us that have been in the fire service for quite some time, have received our
7 training outside of this, and, as a leader in the fire community here in this county, it's my goal to
8 bring it a little bit closer, make it more achievable, and really generate interest among our
9 community that our youth can become fire fighters and not make it such a tremendous impact for
10 them to drive out there to receive this training, have nowhere to stay. Having it locally would
11 benefit our community as well, and I speak on behalf of fire. Law enforcement, I'm sure, has the
12 same issues, but there's such an inter-governmental mix with state and local, and federal and
13 county law enforcement, that we don't have that on the fire side. So I speak on behalf it, I think
14 it's a good project. I think it would give us a lot better opportunity to raise some home grown fire
15 fighters and rescue personnel so I'm here in support of it and thank you for your time.

16
17 CHAIRMAN SCHAFFNER: Thank you. Yes, we're gonna take one more, then we'll break for
18 lunch. Yes, Go ahead, You had a question, Sir?

19
20 COMMISSIONER GADDIS: Before he takes off....

21
22 CHAIRMAN SCHAFFNER: He had a question for you , Sir?

23
24 COMMISSIONER GADDIS: You mentioned accreditation and I was kinda wondering about
25 that. Do you have to accreditate [sic] the facility, or is it your curriculum if you're going to use
26 that facility.?

27
28 MARCALES: It's based on a few different aspects. One of them, academically, it accredited by
29 .the component of the instructors, the material, the teaching techniques. That's part of
30 accreditation. But when we talk about accreditation of facilities, for instance Rescue Systems I
31 or II, Trench Rescue in a Confined Space, those are static facilities that are there, so those state
32 inspectors would have to come in and accreditate [sic] that we met all the requirements, state

1 standards, so that accreditation takes place on those facilities. We have those in San Diego,
2 Hartland Training facility up in El Cajon. Naval Training Center down in San Diego, and of
3 course, Ben Clark in Riverside.

4
5 COMMISSIONER: So, have you worked with Wind Zero to, in fact, develop that specific type
6 of facilities you need and begin the process of accreditation?

7
8 MAECALES: I think we discussed the amount of space that would be available, or they
9 incorporate into the fire component of it. Of course, nothing has been planned. The fire
10 component of our facility and needs would be in their later phase, so I don't think there is an
11 existing plan for those types of facilities in place yet. Not that I would anyways. So, No.

12
13 COMMISSIONER: But it's something you would anticipate in dealing with Wind Zero that you
14 would have an accredited facility available to you there?

15
16 MARCALES: I think, I think it would be in everyone's best interests, especially when they
17 deal with the community. It gives us the ability to either train their own people, to draw those
18 facilities from the outside. I mean, we can go on and on about the availability of taking a class in
19 Rescue Systems I or II, which is your Urban Search and Rescue type classes, and you can't even
20 get in those classes because they are filled within two hours of being advertised, There's just a
21 high demand for them. Not only for new recruits wanting to be trained in rescue systems, but
22 those that are doing their recurring training. Some have the facilities if they have the space, For
23 others, they have to search for classes elsewhere.

24
25 CHAIRMAN SCHAFFNER: Thank you. Yes sir.

26
27 ISWIS RONALD: I'm Iswis Ronald I'm with the Calexico Police Department 420 5th Street.
28 I'm here to support the project. I reviewed the whole project.. It's feasible for law enforcement in
29 two phases. One, we get additional training for advanced officer training and also for recruit
30 training we have now. Currently, the Calexico Police department does not have a range. We have
31 to use Border Tactical which is in the city of El Centro. So we require a range now, so we're
32 using their facilities.

1 With this project, we would be able have to have training in rifle, pistol and other long rifle
2 training at this facilities, EVOC Training, which is (Emergency Vehicle Operations Training,
3 there is no facility here in Imperial Valley. We've eh, I'm also instructor at IVC. They don't
4 have an EVOC course, so if our officers need additional training as required for POST, we would
5 have to send most of those people out to San Bernadino or even Sacramento.

6 I heard earlier regarding the Criminal Justice curriculum through IVC and San Diego State.
7 However, if you want to be a state police officer, you still have to go through an academy, which
8 we don't have here. We've started through IVC, the process of having Level III and Level II.
9 However, we don't have a Level I, which requires the facilities that Wind Zero is going to
10 provide at this time. So, as you move forward and progress as a community, as the law
11 enforcement community and also as a county, we need these facilities in order for us to have the
12 well trained, well equipped and best qualified people in the community. So, as a representative of
13 the Calexico Police Department, this project will be a great asset for the law enforcement
14 community. Thank you.

15
16 CHAIRMAN SCHAFFNER: OK. We'll meet back here at 1 o'clock.

17
18 VOICE : that they are running out of water...

19
20 CHAIRMAN SCHAFFNER: We'll call this meeting back to order. We are in the public portion
21 of the hearing. If anyone would like to speak on this agenda item, please come forward, state
22 your name and address for the record.

23 TODD EVANGELIST : My name is Todd Evangelist, I am the executive director of the Imperial
24 Valley College Foundation at the Imperial Valley College here in Imperial Valley. I don't know
25 if it has been stated up to this point, but just to reiterate our support of the Wind Zero Project and
26 the Wind Zero organization, they, and I don't know if it has been mentioned, but they have a,
27 established a scholarship at the college for POST, for students from Imperial Valley achieving
28 POST Certification or EMT training, and that has been happening and will continue to happen a,
29 as a result of the Wind Zero's presence here Imperial Valley. So, we certainly support them and
30 appreciate them from the college, and certainly the foundation as well so as a representative from
31 Imperial Valley College Foundation I would certainly recommend that the commission look
32 favorable on this ERI. Thank you.

1 CHAIRMAN SCHAFFNER: Thank you. Yes sir.

2 JOSEPH ASCIUTTO: My name is Joseph Ascitutto. I have property in the Nomirage area,
3 Ocotillo CA. Shortly after I purchased the property I was given a Notice of Violation. I had a
4 camping trailer on my vacant lot. I was given a Notice of Violation that I had to remove it
5 immediately and I was in violation of a county ordinance. I subsequently went down to the
6 Planning Department and talked to them and tried to explain it was just a mobile camping trailer,
7 that I could move it at any time. I was told professionally and politely, and I have almost no
8 complaints with the people at the desk that "this was zoned residential when I purchased it, I
9 knew it was zoned residential, I'm in non-compliance with residential zoning and that I have to
10 comply or find property that better suits my needs."

11
12 Wind Zero knew this was residential zoned property when they purchased it. They should be
13 held to the same compliance that the rest of us have been held to. They knew it was residential
14 property, they knew it was not going to comply. Make them comply to residential zoning. Many
15 Imperial County agencies are in favor of this project, that we have heard some of the police
16 agencies speak of it, and it's all for their own personal needs and their own personal use.
17 However, none of them, none of those agencies is it their responsibility to protect the property
18 owners against zoning violations. It's, as I understand it, it's the Planning Department's. So it's
19 not... they can certainly be in favor and I would too, if I was in that situation.

20 There is... some of the things they want to do is to put in fire training facility there. Now we
21 know it will impact water, and there's people that can speak about water impact far better than I
22 can. However there is one thing I can speak on with authority is I retired after 35 years with the
23 San Diego Fire Department. And just as a point of reference, this should NEVER be a fire
24 training ground. One thing for certain is that many large fire department nozzles use upwards of
25 1100 gallons per minute. That's not per day. That's per minute. This is a terrible place to do any
26 type of fire training such as that.

27
28 The motor sport facility that they're talking about is a somewhat recent addition. Originally,
29 they were going to... and I'd like to give this to the board (passes papers to the board). Originally,
30 this is their letter to the Ocotillo community, they were going to build a sporting club recreational
31 facility; it had nothing to do with that motorsport facility. I question this too, not only the
32 feasibility, but whether is it actually a project that they will ever, ever do. This last November, I

1 was at... I took a high performance driving class at Spring Mountain in Parumph, Nevada, and not
2 one person there had heard of Wind Zero. We popped up their website... these were professional
3 people in a professional motorsport industry, and they had never heard of it. And there was a lot
4 of people, I wasn't just talking to a mechanic, I was talking to a lot of people there... they were
5 doing a promotion for Michelin Tires and such.

6 I have a feeling, and they haven't been forthright many times, we can do it and when you look
7 at this open letter to the community you will see some of the blatant changes that they've had
8 there: It was going to be open to the public, now it is a gated community. It was going to be a
9 recreational facility, now it's going to be a different type of thing. The, At Spring Mountain they
10 had never heard of it. So to have something like that, I think they put that in there to pump up the
11 possible job employment numbers, so that we see one thing, but the reality will be something
12 quite different.

13 I wrote a letter and you do have a copy of it. Unfortunately I only sent it yesterday. It says
14 "the project report zone change, Finding Number 08003, contains many errors and therefore is in
15 direct conflict with Imperial County's own Ocotillo-Nomirage Community Plan." To state that the
16 existing Ocotillo-Nomirage Residential Plan is consistent with the permitted uses for commercial
17 development in this area is wrong, at best. On page 18 of the Ocotillo-Nomirage Community
18 Plan it specifically states... and I'll give you a copy of that as well, so you don't have to go through
19 the whole thing... I'm going to quote directly "Desert Residential Category represents very low
20 density residential land uses in the outlying areas of Ocotillo and Nomirage community" and
21 again I want to quote, "Commercial Zoning and Land Uses are not permitted in this category."
22 Very clear. There are thousands of acres of land in Imperial County not zoned residential where
23 projects such as Wind Zero is proposing to be built. Hopefully a suitable location will be found
24 after their application is justly denied. Gentlemen.

25
26 CHAIRMAN SCHAFFNER: Thank you.

27
28 ASCIUTTO: May I present these (paperwork)?

29 CHAIRMAN SCHAFFNER: Sure. We can't give them back to you if you give them to us.

30
31 ASCIUTTO: Oh no, no, you can keep them. Thank you.

32 CHAIRMAN SCHAFFNER: Thank you. Yes, Ma'am.

1 BRIDGET NASH-CHRABASEZ : I'm Bridget Nash-Chrabasez. I am the Historic Preservation
2 Officer/Archeologist for the Quechan Indian Tribe. I, Currently there is a map being handed out
3 to you and I am going to touch on that here in a second. This project is of great concern to the
4 tribe because of the location in which it is proposed. Within that particular area, the Quechan
5 have historically, there are elders who have passed down stories orally, elders who have recently
6 taken to writing things down. All along, over here in Ocotillo and north along the mountains,
7 depending on where you are at, there are ceremonial places where the Quechan, the Kuyamay, or
8 the Kuyamaii or further up Kuyiia, (sp?) there are battles, depending on where you're at and
9 when you go out there and you're walking around you can see some evidence of these past
10 activities.

11 Within this particular project area there are, the map that you see before you, shows the
12 blueprint of the proposed project, and then all of those numbers are cultural resources. There are
13 cremations, there are trails, there are intaglios, there are cleared areas, there are pot drops, there
14 are lithics. This is a very, very, very spiritual area that was utilized for ceremonial purposes as
15 well as living. The ones, unfortunately I did not have a highlighter, but you'll see blue circles.
16 Those are the cremations that are currently within the project area, within the proposed project
17 area. Immediately to the east along the boundary there you start getting into the Yuha Desert.
18 The Yuha Desert, as most of you are familiar with, has a very rich history for all the tribes.
19 Within that particular area are numerous trails, there are geoglyphs, there are cleared areas, there
20 is even a large dance circle that continues to be used by tribes for certain ceremonial practices.
21 None of this is represented within the EIR. The EIR is, we view it as being inadequate. Not a lot
22 has been done on this. There hasn't been continued consultation with the tribes. There hasn't
23 been, I mean none of this is reflected even cumulative impacts to this area. We have Wind Zero,
24 across the street is very large Ocotillo Express, Ocotillo Renewables, adjacent to that you have
25 Sterling Energy, south of that is further energy projects and this is a very fragile cultural
26 landscape where you have traditional cultural properties. And it is important to remember that for
27 the tribes, the cultural landscape is consisted a myriad of not only what you see but natural
28 resources as well. So you have various land forms. Some of these areas you have to be able, like
29 with the dance circle in particular, you need to be able to see certain areas. Obstruction of this is
30 going to cause trouble for some of the ceremonies that continue to be practiced and this needs to
31 be further analyzed within the EIR. And within the Final EIR, I have some concerns that, as it
32 says, you know, "Impact 4.4.1: Implementation of the Coyote Wells Specific Plan could result in

1 impacts to prehistoric resources within the project boundaries” and right now it's just kind of
2 "Huh! It's potentially significant." The tribes have repeatedly stood up and said "This is
3 extremely important.". As you can see, that entire area you can barely avoid the resources
4 because it is so dense in resources. This is very, very concerning. We received, our first
5 notification was dated January 20, 2009. We responded with an email February 2, 2009
6 requesting more information about the project. And then again two weeks later and then again in
7 March. We have been working with the Planning Department to get that documentation. But
8 that, those conversations aren't reflected in any of the documents. And then, I know Mr.....
9 Lloyd? I think that was his name, had mentioned that there has been a lot of early consultation
10 with the tribes and there has NOT, there has not been that early conversation. I believe that the
11 date that he had given was June of 2007 was their first public scoping meeting, and the tribes
12 were not notified until 2009. Had the tribes been notified a lot of this information could have
13 come forth at that time, and maybe they could have chosen another location. And in the meeting
14 that he referred to he mentioned Steve Lucas. We were told it's pretty much a done deal by the
15 contractors that were hired. I cannot tell you, I had several elders with me when we came over to
16 Imperial County... over to here in El Centro, Imperial County, it was at the Planning Department.
17 They were so disheartened when we walked out of that meeting because the maps for the first
18 time were laid out on the table. There were two elders in particular that talked about how
19 everything, the Creation Stories, some of the oral histories, some of the battles, it all tied to these
20 sites. And these sites cannot be "picked up" and separated. You can't "pick up" a trail, you can't
21 pick up the intaglios, you cannot pick up... And one of the proposed... I had one of the elders
22 who was crying... the idea of capping these cremations or pouring dirt or even Steve Lucas had
23 mentioned pouring concrete on top of these is just... it is just unheard of, and they were just so
24 upset about this. And yet, this is still what is proposed. What is still within here to be mitigated is
25 to be capped, to be picked up. And, you know, just wash your hands and walk away. But that
26 cannot happen. All of these are interconnected, not just within the project area, but to the north of
27 I-8 there are trails in the Sterling Project right now that go to I-8 and if you walk across I-8 you
28 can pick them up on the south side of I-8 and follow them all the way over to this project area.
29 It's all interrelated, and it needs to be reviewed as such.

30 I would STRONGLY RECOMMEND, needless to say that the Tribe does support the no-
31 action alternative because of this important location. But I would recommend that more tribal
32 consultation occur. And that the PMC, Imperial County, or whoever happens to be, really get the

1 tribes together... I know Carmen Lucas is very concerned about this as well, and she is... I've seen
2 letters, she shared her correspondence with us. She is very concerned about the proposed capping
3 and the picking up of the materials as well. So, I really suggest getting the tribes together and just
4 really working through these issues because what is proposed is just ... you cannot do this to
5 these traditional resources. It just cannot happen, especially when you talk about ceremonial
6 purposes, and the cumulative impacts. I'm, I keep watching the clock, I know I'm over time, and
7 I'm trying to hurry.

8 And the cumulative impacts. I really suggest looking at those cumulative impacts because, if
9 you are destroying, if this project goes forward, you are destroying the cultural landscape that is
10 so important and so tied to the tribes and their history within this area. But if the project across
11 the street on the north side of I-8 goes forward you lose even more. If the ones further to the east
12 or east of the proposed wind energy projects goes forward you lose even more of that history.
13 And then the tribes have nothing to share with our children as they grow up. So, okay, I thank
14 you.

15
16 CHAIRMAN SCHAFFNER: Thank you.

17 COMMISSIONER GADDIS: David, how much of this area was plowed by the previous owner?
18 100% of it was plowed? He ran a tractor with a blade over the whole thing?

19
20 (Almost inaudible voices in background, not into microphone) How in the world would the
21 artifacts still be there?

22 BLACK: He plowed it several times, didn't he?

23
24 PLANNING DIRECTOR HEUBERGER: It was scraped, it was not dug up. The artifacts aren't
25 necessarily laying around on top of the ground. What Mr. Little did for the most part he just run
26 his little tractor with a scraper behind it around ...

27 VOICE: Pardon? [followed by inaudible comments/questions.]

28
29 HEUBERGER: Well that would be, certainly. But the artifacts...

30 COMMISSIONER: [interrupting] Do they have access to this property? Do they perform dances
31 or whatever?

1 ANOTHER COMMISSIONER: Is there a dance circle on this property?

2 BRIDGET NASH-CHRABASEZ: It is adjacent to, it is not located on this particular property,
3 no. And the blades are what are thought to be, if you look at the cultural report, it is believed that
4 he actually took off the top layer and exposed all the cremations that are out there. So, the entire
5 area has not been bladed and there are intact sites that are on there. You see them on your map.
6 So, I hope that helps.

7
8 CHAIRMAN SCHAFFNER: Yes Ma'am.

9 SUSAN MASSEY: My name is Susan Massey and I live in Holtville. First I want to talk about
10 something in the project description. The project description repeatedly talks about a facility for
11 local and regional law enforcement and government agencies. There's no use of the word
12 "military". I did not see the word military training anywhere in any part of the EIR that I read.
13 The website of Wind Zero, however, specifically mentions military as well as law enforcement
14 training. That was questioned in the... two people I believe commented in letters to the
15 department about this discrepancy, and one of them was mine, a concern that something's not
16 quite completely honest. And the response was well, Wind Zero has many different facilities. But
17 today the website actually does particularly refer to this facility that they plan to build as having
18 military training and today Brandon Webb, in fact, at least four times used the word military. And
19 he mentioned a facsimile of a simulation of a training camp, not a training camp, but a village in
20 Afghanistan. I believe, since it's clear that they plan to train military personnel there, one of two
21 things should happen: either the conditional use permit should explicitly prohibit military use,
22 not because there is anything specifically wrong with it, but because it was not in the EIR. Or,
23 the EIR needs to be revised and to include military training, and people have a chance to
24 comment and react to that new aspect of the project.

25
26 I am particularly concerned about the noise. I read the noise study three times and what I
27 understand is that they tested the ambient noise and this is higher, in fact they say that the current
28 ambient noise in Nomirage is so high that it's not really acceptable under the regulations of
29 Imperial County. And therefore adding the shooting ranges and helicopter pad and skid pad and
30 all these things is only going to change the total amount of noise less than a decibel. That was in
31 the redone. You know, if this were in Palm Springs probably the local people would have hired
32 some other specialist to look at this again. It's not Palm Springs. We don't have that kind of

1 money. And I think we all know that this kind of project would never be proposed next to a
2 residential area in Palm Springs. But, something that is obvious to me without hiring a specialist
3 to look at it from another point of view, is that there is different qualities of noise. And decibels
4 is not the only thing to take into consideration. Louie Armstrong's trumpet and a jackhammer
5 might reach the same decibel level. But most of us would enjoy the trumpet and not really enjoy
6 hearing the jackhammer. When waves crash on the beach they might make a lot of noise, But
7 many of us choose to spend our summer vacation on the beach. And no one chooses to spend
8 their summer vacation next to a firing range.

9 My respects to Brandon Webb for his service to the country and I'm sure the great training he's
10 done with our snipers. And my respects to all the law enforcement who are looking to better the
11 facilities for their department. But I want to insist that it was not necessary to put this project
12 across from a residential neighborhood. There are several... many alternatives listed under the
13 alternative to the projects suggested at the end of the Draft EIR. And most of them have been
14 rejected because they weren't big enough... there wasn't enough contiguous land there. However,
15 the Wind Zero narrative that comes out on the home page of their website mentions that after they
16 designed their training facility, their next job was to think "what would they do with the extra
17 land"? What would they do with the rest of the land and they came up with this great idea that we
18 could really use a race track down here. But basically their project was to provide a training
19 facility, that we just learned today (and actually remember seeing the figure before) that that's
20 only taking up 23% of the land. So... and I don't see any reason that the two need to be on the
21 same piece of property. I don't think that people are going to go drive around the race track, jump
22 out of their car, practice shooting and then jump back into their car. So if it is deemed that this
23 project is really necessary, I don't think that there is any justification for putting it next to a
24 residential area where the vast majority of people are senior citizens and many of them veterans.
25 Thank you.

26
27 COMMISSIONER: I have a question. You mentioned about the military had to be excluded?
28 Why?

29 SUSAN MASSEY: Okay, I would suggest, and this is my suggestion, as I feel that there, that
30 this hasn't been quite honest. First we had the first 2007 meeting, that was the first meeting that I
31 attended, it was going to be military training. That was said openly. And then when the EIR
32 came out, the DEIR no mention of military. I mean I looked because I thought wait, didn't they

1 say it was training military and there was no mention of it. So I think that's misleading or if they
2 really planned to do military training, why was that not mentioned? And therefore I think that if
3 we're going to go with the EIR we have now that it shouldn't be allowed to include military. Or if
4 it's felt that it should be for military then I think that needs to be in the EIR and people should
5 have a chance to react.

6 COMMISSIONER: Well I've read the, I didn't read the draft one but I read the final one. But I
7 wasn't misled about military or not military. I'm trying to find out the input right now inferring
8 something into it or blowing it up or I'm trying to find out where you're coming from. I don't
9 understand it. If you exclude it one thing, if you don't exclude it another thing. I'm not being
10 argumentative but I've read the EIR. I'm not inferring one thing or another. You would say that
11 demographically or whatever you want to put in it, that they didn't exclude circus trains so it
12 means they can have circus trains. I mean, you're, you're grabbing at... you're trying to make it
13 bigger than it is. You're making an object bigger than it is.

14 SUSAN MASSEY: I feel that the project description is quite long. They talk about lots of things
15 they are going to do and the recreation and the training. And this isn't a little detail. I don't feel
16 that this...

17
18 COMMISSIONER (Interrupting): You can't exclude everything.

19
20 SUSAN MASSEY: To me, military is major, and again, I'm not saying there's anything wrong
21 with doing military training. But it does have different methods, does have different tools that are
22 used, or different instruments, tools, different types of ammunition and a different group of
23 people who will be coming to the site. So I feel that something as big as military training, why
24 would that not be mentioned if that's the intent?

25 COMMISSIONER: Okay let's just go ahead, what you were talking about (unintelligible) noise.
26 Were you here when they made their presentation about, as far as noise?

27
28 SUSAN MASSEY: Yes

29 COMMISSIONER: Did you get something out of that that I didn't?

30
31 SUSAN MASSEY: I'm not going, I did hear Brandon Webb say that he went to a similar
32 shooting range and that there were a couple of people shooting and that he could barely hear

1 them, but here we are talking about a semi-open ranges, there being room for 140 shooters. Plus
2 we have the heliport. We have a skid pad. We have go-carts and a race track. So, as I say, I'm
3 going more by what I read in the noise section of the draft EIR.

4 ANOTHER COMMISSIONER: Just a question ma'am. How many times did they mention the
5 helicopters will fly in the presentation?

6
7 SUSAN MASSEY: That is consistent with what it says in the EIR, that it will be once an hour.

8
9
10 SAME COMMISSIONER: How often?

11
12 SUSAN MASSEY: Pardon me?

13
14
15 SAME COMMISSIONER: How often? They mentioned it this morning, how often helicopters
16 will fly in?

17
18 SUSAN MASSEY: Is this a test to see how well I was listening?

19
20
21 SAME COMMISSIONER: Yes it is.

22
23 SUSAN MASSEY: I think its twelve a day.

24
25
26 SAME COMMISSIONER: Final answer?

27
28
29 SPECTATORS: (laughter)

30
31
32 SUSAN MASSEY: Do I win something here?

COMMISSIONER: Wind Zero.

SUSAN MASSEY: Okay. I can sit down?

CHAIRMAN SCHAFFNER : Thank you. Yes sir?

ROBERTO RUBIO: Hi. My name is Roberto Rubio and I live in El Centro. I've based my, what
I'm going to talk about, on the website when they were talking about it being military. What I'm
going to talk about is the jobs and a little bit about myself. When I was in highschool, I was in
the 48th Armored Division of the Brawley National Guard. And I got to play around with the
tanks and 90 millimeter canon and the 50 caliber machine gun and that. Then after that I joined
the military and I was stationed at the 187th Tactical Hospital. From then I went to the 66th

1 Tactical Hospital in France. I decided I didn't want to be in a hospital anymore so I changed to jet
2 engines, so I became, so I went into the 67th Tactical Jet Engine Shop. And then from there I
3 came back to the states. I came back here and I worked building the bridges on Interstate 8 in
4 June. And then from there I worked on the buildings right next to Alicias. I worked on the El
5 Centro treatment, the El Centro Sewer Treatment Plant. I worked on the two silos at Holly Sugar.
6 I worked on the County Building, and so forth and so on. And then I decided I wanted to learn
7 something so I then I went to IVC and I graduated from the Nursing Program. So that's why I
8 want to talk about jobs, and I'm going to read what I have to say.

9 My issue here is how easy Wind Zero Coyote Wells got in with our local agencies and
10 government, only by mentioning jobs, jobs, jobs. I have noticed, as you must have noticed that
11 most of the companies that have come here to Imperial Valley promising us jobs, they never bring
12 us the jobs. Those that do, leave right away. The majority of industrial construction is brought
13 from the outside by these outside companies. They will hire a local to use a shovel to clear grade
14 marks for the outside grader, for the outside grader operator. They will use locals only for
15 pouring concrete. They will use our carpenters only for doing repetitious nailing; our electricians
16 only for pulling wire, our plumbers only for putting up toilet fixtures. And they always, always
17 give us the very hot jobs.

18 I believe Wind Zero Coyote Wells does not conserve itself for availability of water, I'm
19 changing here, because some of the jobs that they would bring in our valley are mercenary jobs.
20 For example, who in our valley will teach snipers? Who in our valley will teach Arabic? Who in
21 our valley will teach drones? Who in our valley will teach repelling from aircraft? Who in our
22 valley will teach special firearms? Who in our valley will teach taking out suspects. I am sure all
23 operations of their air and ground machines will be done by them because of secrecy. California
24 in our valley is not a good place for mercenaries. They may try other states that will welcome
25 them. Not here. You know that as of lately more and more government is for government.
26 Please, I ask you not to be that way with the people and veterans of Ocotillo and Nomirage.
27 Believe me, they are all worth saving. Thanks for listening.

28 And also I've got two questions... one of the things that they mentioned was medical training.
29 I kind of question that, just what kind of medical training are they going to teach there? And
30 another point that I want to make is, there is only about five police departments. And now can
31 these five police departments support a project like that? I doubt that some of the bigger cities are
32

1 going to come down here for training. And before we started here, we talked to different police
2 departments and they told us that the only thing that they were concerned with was the hazardous
3 pursuit training, that they had their own shooting ranges that they could use. I guess, do I still
4 have time? That's about it. Thank you.

5 CHAIRMAN SCHAFFNER: Thank you very much. Yes sir.

6
7 GUILLERMO HERMOSILLO (?): Guillermo Hermosillo (?) 1196 Margarita Street, Calexico.

8 CHAIRMAN SCHAFFNER: What was your first name again?

9
10 GUILLERMO : Guillermo. You know this goes on, I'm in favor of the project by the way, this
11 goes on in this county over and over. Everybody's against any growth. We've got to change. We
12 can't have that anymore. We need jobs, we need jobs for our grandis, our kids. Things need to
13 change. We need more industry. Everybody becomes an environmental study specialist. I don't
14 know why, not only here, but in all the other cities also. When it is about growth. Our population
15 has grown since the prisons. I'm pretty sure people were against the prison's also. And we don't
16 have any jobs. We need to approve this today. Thank you.

17 COMMISSIONER: Thank you.

18
19 TOM HEMBREE: I won't keep you long. A lot of things have already been mentioned, so. My
20 name is Tom Hembree. I live in the Nomirage area of Ocotillo. I had a big long speech here I
21 was going to say, but most of the things have been mentioned so I am just going to hit a couple of
22 bullets and I'll be on my way.

23 There was a slide up here that said "worst case scenario" where it showed in infared colors or
24 something, the noise levels at different parts of the project out there. Well I saw my house on the
25 project and it kind of cleared up right there and about 200 yards the other side of it, it started up
26 again. I don't get that. It went right around my house?

27
28 CHAIRMAN SCHAFFNER: No. He mentioned that it was a band that looked like there was no
29 sound there, but that was just a different color. It continued on through. It was just a different
30 sound level. That blue, that greyish area just outside that first yellowish ring? Yes. There's still
31 sound there going out to the other yellow area. That's not a dead spot.

32 VOICE: I can't hear that.

1 CHAIRMAN SCHAFFNER: Not a dead spot. [laughter] Okay? You weren't paying attention
2 this morning.

3 TOM HEMBREE: That's kind of hard to do. Anyway the same gentleman I think, mentioned
4 that the closest house was 660 feet. That's 220 yards. My truck is parked on the other side of the
5 police department and that's about 220 yards. And if I've got to sit there and listen to bap-bap!
6 That's two rounds in one second, fifty-seven thousand rounds a day... that calculates out to two
7 rounds per second. I don't care what you say Mr. Webb, I've lived in this community for sixty-
8 seven years in southern California, and I've never had a friend land helicopters in my back yard
9 and fire 57,000 rounds of ammo a day. I'm so tired of this whole thing! Thanks folks..

10
11 COMMISSIONER SCHAFFNER: : Thank you. Yes ma'am.

12 JUANITA SALAS FOR CONGRESSMAN FILNER: Good afternoon. I'm Juanita Salas, Office
13 of Congressman Filner. Thank you for having me here on behalf of the Congressman. As you
14 know, Congressman Filner is opposed to the Wind Zero Project. He is greatly concerned over
15 potential groundwater impacts and the projects effect on environment and human health in this
16 area. Wind Zero will increase air pollution in this area, only making the health issues Imperial
17 County citizens that face it much worse. Through an increase in greenhouse gas emissions and
18 possible groundwater contamination, the project will harm our fragile environment. We are so
19 fortunate, we are so fortunate to have this beautiful desert land. We must protect this desert
20 ecosystem and now not allow Wind Zero to destroy it. There is also serious concern about both
21 the short term and long term impacts on the aquifer area, aquifer in this area. Analysis needs to
22 be done to know the potential for contamination and degradation of the Ocotillo/Coyote Wells
23 ground water basin. Given the concerns over water availability, we cannot afford to guess on a
24 project's affect on water supply and possible contamination on local water supplies. Once again I
25 want to thank you for having me here today to speak on Congressman Filner's opposition to this
26 Wind Zero Project.

27
28 COMMISSIONER BURGH: I have a question for you.

29 JUANITA SALAS FOR CONGRESSMAN FILNER: Yes.

30
31 COMMISSIONER BURGH: Okay, you're talking about air pollution, the possibility of air
32 pollution. I've followed Filner's record.

1 JUANITA SALAS FOR CONGRESSMAN FILNER: I think we all do.

2 COMMISSIONER BURGH: His stance on air pollution being generated from Mexico is almost
3 nil. I mean, where's our air pollution coming from? I think basically it comes from Mexico. A
4 lot of it comes from Mexico.

5
6 JUANITA SALAS FOR CONGRESSMAN FILNER: The Congressman does understand that
7 there is no wall separating both countries.

8 COMMISSIONER BURGH: Right. But what I'm saying is in order to compensate what comes
9 across the border, there's no borders for air pollution then industry and agriculture in this area has
10 to compensate... mitigate for those air pollutions. I'm on the PM10 Committee and I know what's
11 going on, okay, but I've watched his standing so far and I haven't heard him say anything against
12 Mexico. The air pollution is being generated from the two Mexican plants over there. By the
13 way, one of them belongs to a company in the United States. So, what this project is going to
14 generate as far as CO or whatever is small compared to what Mexico is doing. So my issue is
15 why doesn't he take a better stance on the border, since he represents this area?

16
17 JUANITA SALAS FOR CONGRESSMAN FILNER: Well..

18 COMMISSIONER BURGH (interrupting): He's attacking one company, one group and leaves
19 Mexico to do what they want to do.

20
21 JUANITA SALAS FOR CONGRESSMAN FILNER: Commissioner Burgh, the Congressman,
22 like I said, understands that the wall... there is no wall. So, he stated that very publically, so that's
23 all I have to say.

24 COMMISSIONER BURGH: Actually there is a wall.

25
26 JUANITA SALAS FOR CONGRESSMAN FILNER: There is no wall separating the air, sir.

27 ANOTHER COMMISSIONER: I have a question. What's the Congressman's stance on
28 renewable energy projects right adjacent in the area?

29
30 JUANITA SALAS FOR CONGRESSMAN FILNER: I'm here to speak solely on this project.

31 COMMISSIONER: He has not opinion on those.
32

1 JUANITA SALAS FOR CONGRESSMAN FILNER: I'm here to speak solely on this project.

2 COMMISSIONER: No comment?

3
4 CHAIRMAN SCHAFFNER: Thank you. Yes sir.

5 LUIS OLMEDO: Luis Olmedo and I'm with the Comite Civico del Valle, a local community-
6 based organization. I can partially address the air quality issue. Imperial County has some
7 serious particulate-matter issues. It's been all over the press here locally and national press issues
8 out there as well. We have not met particulate matter regulations. The US EPA has specifically
9 pointed out numerous measures that Imperial County can do to mitigate our own pollution. As a
10 constituent, as a citizen of this valley, as a representative of our organization, we are concerned
11 with what's happening here, things that we have control over. I don't have control over what
12 happens in Mexico. There's a lot of work to be done in our own home, in our own back yard.
13 NAFTA did bring a lot of complications to this area. There's issues going back and forth. It's not
14 just to Mexicali. That's become an old argument before a lot of us became lot more
15 knowledgeable. But, the reality, the wind patterns and a lot of the evidence in science that is out
16 there now, recent studies show that Imperial Valley has three times more asthma than anywhere
17 in the state and in compareison to the entire United States. We have serious environmental health
18 issues. Projects like this, I'm not opposing to creating jobs, but we can create jobs by enforcing
19 existing policies that we don't have the capabilities to do as is right now. I could show you videos
20 of environmental disasters of companies coming in and just moving location because it is a lot
21 less expensive to just relocate and starting operations instead of cleaning up their mess. And we
22 keep allowing that to happen.

23
24 We're not protecting our environment and not looking into the future. We're not looking to the
25 new generations. I don't see none of you that, for the next generation... a lot of us are possibly
26 some of you probably may see other charms or maybe given up in terms with what's happening.
27 But it's not about just creating jobs, it's about fixing the system that is in place right now. What
28 are we doing to protect the concerns of these constituents? What are we doing to protect the
29 environment? That should be a priority. It's not just about creating jobs, it's about creating good
30 jobs. It's about being realistic about the good and the bad of these types of projects.

31 I think a lot of these are very legitimate concerns. Real concerns. I mean, we don't have to
32 look very far to see that, just look around us, we've created a DUMP. Seriously. I mean, we don't

1 have to look very far when you talk about air quality issues. How many local farmers are farming
2 in Mexicali? You can continue to unravel this whole chain of mess that we keep creating. We got
3 to be more responsible. I'm not opposing against projects to come in, but let's do it responsibly.
4 Let's put the money forth. We're no less valuable than a community anywhere else. Why should
5 we be giving up protections? Why should we be giving up regulations and enforcement?

6 There has to be enforceability, cause you can make it all nice and pretty but where's the
7 enforceability? I can point to you dozens, dozens of situations and examples. And you see them
8 every day on your drive home. How did that mess happen? Who's going to pay for who's going
9 to clean it up? Possibly some of your own lands. So, I think this is really something you've got
10 to get to a point where you look deep down into your heart, look into the future and the future
11 generations and say, you know, we've got to stop doing this, you know. Yeah, let's let projects in
12 but let's do it responsibly. And let's start looking at things realistically, not just say, hey, let's go
13 after jobs. Come on, there's a lot more to it than that. And so, thank you for your time.

14
15 CHAIRMAN SCHAFFNER: Thank you.

16 ANOTHER COMMISSIONER: You know, it wouldn't surprise me at all the net effect of this
17 job, this is kind of off the top of my head, that actually going to be less dust generated in that
18 area. Right now we've got a guy that scraped that thing dry so there's no crust over the top of it.
19 Every time there's a windstorm I imagine there's a big dust blow out there.

20
21 OTHER COMMISSIONER: But nobody is going to "take responsibility" about that..

22 COMMISSIONER (continues): Yeah. No one take responsibility? These guys are going to put
23 down dust suppressants and they're going to be monitored like crazy. If there's any dust coming
24 off that complex, I'm sure there's going to be complaints and I'm sure it's going to be dealt with.

25
26 CHAIRMAN SCHAFFNER: Yes Sir.

27 JIMMY JONES: I'm Jimmy Jones. I'm a resident of Ocotillo, and soon as you find out how to
28 control the helicopters, let me know, please. We've got them 24 hours a day there now with
29 military and they rattle the dishes off the shelf like they do with you, you know? Anyway, I
30 welcome a new company there. I think a few new faces, a few jobs for the very few people who
31 are qualified in our area. Who knows, we might even get some roads paved around there. As far
32 as the water goes, I am the president of the Ocotillo Mutual Water Company and we have our

1 wells tested two to three times a year by the government for the county. Our well has not gone up
2 or gone down over six inches in that twenty years and we pump an awful lot of water. I couldn't
3 remember the figure, but it's quite high. But anyway, I welcome Wind Zero here. I think they
4 will be a plus for the community and I'm not the only one in Ocotillo who feel that way. But I
5 can't represent anybody else there without having names, but I talked to quite a few of them and
6 they can't wait for it to get going. Thank you.

7 CHAIRMAN SCHAFFNER: Thank you.

8
9 COMMISSIONER GADDIS: Wait a minute, I'd like to hear that one more time about the water.

10 JIMMY JONES: What's up? Oh that. The water level hasn't gone up more than six inches or
11 down more than six inches. Depends on how much local rain we get. The guy, I asked him, are
12 you sure? This is not the story I'm hearing from everybody around here. This is a fact. He calls
13 me the night before, I turn the well off about 8 o'clock at night. He's usually there at 8 o'clock in
14 the morning to run the test and I witness it every time. I've been president of the water company
15 three years now. I was pretty impressed with him.

16
17 CHAIRMAN SCHAFFNER: Can he provide, does he provide you with any documentation?

18 JIMMY JONES: I wrote it down on the back of a card, but he turns the information in to the
19 county.

20
21 COMMISSIONER: Do you guys have a report from them, county?

22 JIMMY JONES: I don't question a government official when he come do a job and I'm sitting
23 right there with him watching it. I'm the last person in the world's going to question him. I want
24 facts, nothing but facts. I don't want anyone (unintelligible) about anything. Thank you.

25
26 COMMISSIONER: Excuse me, how deep is your well?

27 JIMMY JONES: One's 312 feet and water level is about 200. The other well, I'm not sure.

28
29 PERSON IN AUDIENCE: 280.

30 JIMMY JONES: Thank you. Two eighty. My assistant.

1 (Laughter)

2 CHAIRMAN SCHAFFNER: Thank you. Yes Sir.

3
4 ART BROWN: My name is Art Brown and I live in Nomirage. I bought the place in 1970. I've
5 been going down to the area since the late fifties. And, to begin with, I want to just what this
6 gentleman was talking about. Every time I replace my pump, I dip to see what the water level is.
7 The well was drilled in 1975 and we hit water at 57 feet. My well was 100 feet deep. We had it
8 for a number of years and then finally after about 20 years I had to replace the pump because the
9 well sanded up. I'm not saying it was without water but the casing collapsed or whatever and it
10 sanded up. So I had it re-drilled to 200 feet. And after that tropical storm, Kathleen, went through
11 the area we gained. It went down to 54 feet. And the last time I had it checked it was at 59 feet
12 and that was like 10 years ago. I got a good pump, so it works, so who knows where it's at now.
13 But a lot of that, the way the water acts in the area is because of the strata of the underlying
14 ground and there's a lot of clay levels there. When they went down the extra hundred feet they
15 went through six clay levels, so what you drill out a quarter of a mile away, it all depends on
16 which way that clay goes because that's a permeable barrier for the water. And that's why you
17 hear people here that's lost, you know, water has gone down 16 feet or somebody's well has gone
18 dry or whatever, is what you do in one place is reflecting on other areas. Anyway, that's that.

19 Much of the stuff has been covered already. The one point that I was supposed to talk about,
20 which is the noise issue, there's been a lot of discussion about noise. There was a little bit side
21 tracked there about the dust in the area there from what Coke Little did. That only occurs when
22 you have 45 to 50 mph wind out of the southwest that blows it over Interstate 8. The dust never
23 comes into Nomirage. It never heads our way. It goes your way, and if you drive out there and
24 look at the mesa there where there used to be desert you had pavement there now all you see is
25 blow sand and that's from Coke Little.

26
27 Anyway, Coyote Well Specific Plan EIR comes to be primarily interested in contribution noise
28 from Highway 98 to the overall ambient noise at Observer Locations B, C & D. I don't know if
29 you have a copy of the EIR there or not, but that's their charts. Yet at my location winds from the
30 south enhances the traffic noise and winds from the north diminish the noise. Noise from the
31 Highway 98 however, is very infrequent. I mean, that's a low traffic level highway, you know. In
32 the summertime most of the traffic is after dark and in the mornings before the desert gets too hot.

1 Anyway. But if the county were to follow Imperial County General Plan in rural areas zoned
2 residential like Ocotillo, Seeley, Heber or thousands of other rural communities within the state of
3 California, or the nation for that matter, you lower the speed limit. Lowering the speed limit
4 would cost the county little, but would lower the ambient noise levels significantly. The lowered
5 ambient noise level would make all the subject data from the EIR basically insignificant.

6 And that's about it. The only other thing I wanted to say was in regards to lowering the speed
7 limit, I did call CalTrans in San Diego, which handles Imperial County here. And he said that
8 there is ways that can be done if it's actually, as they say, "the ambient noise level in most of the
9 study area currently exceeds the County of Imperial's exterior noise levels for residential use".
10 That that can be lowered. They also said the easiest way to do is to have the county do it. So if
11 you're some environmental health sort of thing, you guys could jump on that. Truthfully, I'm not
12 looking forward to that happening, but anyway... The other thing I wanted, I learned when I
13 talked to the person yesterday, I can give you his name and phone number, but he said, I asked
14 him "Do you know about this Coyote Wells EIR Report?" He said "Yeah, we do." I wanted to
15 talk to him a little bit about what I wanted to know and stuff like that. And finally he said "You
16 know we're holding, after I leave from talking to you, we're going to a meeting discussing this
17 EIR. And they're going to go through the various departments there, traffic and environmental
18 and stuff like that. And as far as I know, they haven't sent anything in to you guys, so there should
19 be some information going in that you guys have to deal with. So, I'm sorry, I'm going to long.

20
21 CHAIRMAN SCHAFFNER: Any questions? Thank you.

22 STEVE HAHN: Good afternoon, my name is Steve Hahn. I've had a residence in Nomirage
23 for about 20 years now, and we've had a lot of information coming in to you gentlemen regarding
24 the pros and cons of this project. One thing I've noticed is that basically the people that are in
25 favor of it don't live anywhere near it. I think that can be a little bit significant. The law
26 enforcement agencies, I'm sure they would get a benefit out of this, however you are not talking
27 about a very large number of people being able to use that facility from the size of these
28 departments that are here. As far as local residents, or the rest of the county, they would get
29 almost no use out of the project at all. Obviously they've covered all of the stuff on the water
30 issues which is a very important thing.

31
32 One of the other points that I saw was that they are proposing possibly signals at Molitar and

1 98 and also at Clark Road and 98, which could only lead me to believe that they are possibly
2 using Clark Road going up to the north, which means that we would have extra traffic on all three
3 sides of our existing subdivision of Nomirage. That's not really too cool. Phase Three, they talk
4 about having a possible gas station convenience store there. If you know anything of the history
5 around Ocotillo area, there is one gas station presently there which is only open part-time. There
6 are two stations that have been closed for years. The convenience store has been gone for years.
7 So, I don't see too much hope for a very viable gas station/convenience store over on 98, which
8 would probably also have the highest gas prices in the entire county so they could get a little more
9 profit out of it. A project similar to this was proposed up in the little community of Potrero in
10 San Diego County. I am sure you are probably aware of that. They didn't buy it for one minute
11 and kicked them out, and that's not a very big community. In fact, I've hunted on the property
12 that was proposed for that facility, which was quite a long ways away from any existing
13 residences. Yet this project is right up against a whole bunch of residences. That just doesn't
14 make sense. Thank you, gentlemen.

15 CHAIRMAN SCHAFFNER: Thank you.

16
17 VIRGINIA CHANDLEE: My name is Virginia Chandlee. I live in Nomirage, 973 Ocotilla
18 Road, two blocks away. I've been a resident of Nomirage since November of 2001. My husband
19 had Myotonic Muscular Dystrophy and I have Fibromyalgia. We knew we'd never be able to
20 afford to live in San Diego after we were medically forced to retire. Our property in Nomirage
21 was the first that we looked at in our search for an affordable retirement home. After a year of
22 looking elsewhere, we sunk everything we had into this property to make it a comfortable,
23 workable place for my husband. We specifically chose a place with minimal utilities for the cost
24 saving advantages. Before we closed escrow, we used to drive out to Nomirage, just to sit in the
25 empty yard in the middle of summer to listen to the quiet. It was heavenly to us after being in the
26 city. As the years went by, my husband and I were very content in our rural desert home. Just
27 before the Wind Zero project began to surface, my husband's health took a turn for the worst.
28 After five weeks in the hospital, my husband passed away the day after Christmas, 2008. My
29 soul mate was gone forever, but our home was a sweet, tranquil solace to me. [Sounds like she if
30 fighting back tears.]

31 In the past, every once in awhile, somebody would decide it was time to commercialize the
32 Ocotillo/Nomirage area. We are at these crossroads once again with this proposed EIR for the

1 Wind Zero project.

2 We are asked to believe that our peace and tranquility are NOT at stake. We are asked to
3 believe that the delicate balance of our community water supply will NOT be jeopardized. We
4 are asked to believe that our well levels will NOT be diminished by the immense amounts of
5 water required to build and sustain this proposed project. I'm glad to hear that they are not
6 putting the septic system in with our water table just 50 feet beneath it. We are asked to believe
7 that the proposed water treatment plant onsite will NOT contaminate our outdoor air quality. We
8 are asked to believe that our property values will NOT depreciate with the addition of this
9 business in our residential neighborhood.

10
11 Can you tell me, without reservation, that my husband's dream of peace and tranquility for his
12 family has NOT died with him? If this project goes through, I, and my many neighbors will be
13 stuck here with noise, worthless property values and water-deficient wells in the former
14 residential community of Nomirage.

15 Ask me if I believe that?

16
17 Here's copies (of my comments) just in case I stuttered. Please pass them around.

18 CHAIRMAN SCHAFFNER: Thank you. Any other comments from the public? This is going
19 to be the last one. I told Mrs. Harmon that she could speak last.

20
21 HARMON: I was waiting to see if there was anyone else.

22 CHAIRMAN SCHAFFNER: So don't change your mind out there, because I may not let you
23 speak..

24
25 HARMON: Does anyone else want to come up and speak?

26 CHAIRMAN SCHAFFNER: Okay.

27
28 EDITH HARMON: Yes, Edith Harmon. I am a resident of the Ocotillo area. I have lived there
29 for 33 years. I've submitted....Unfortunately, last whatever it was, August 4th, I got a CD that
30 had 3567 pages long of the draft and final EIR and all of the aspects of this project that was
31 going to be before the Planning Commission today.

32 I have worked mightily. I have NOT been able to read the entire final EIR and all the response

1 to the comments.

2 I have NOT had time to go through all of the different project reports that are before you
3 today, but I can tell you that the final EIR is inadequate under CEQA. It contains a lot of
4 inconsistencies that were pointed out, many inconsistencies were pointed out in comments on the
5 Draft. The comments were summarily dismissed by the people responding to the Draft EIR, so a
6 lot of the inconsistencies remain. An EIR, under CEQA, is supposed to be a good faith effort, at
7 full disclosure of the environmental effects of the complete project, not a piecemeal project, not
8 with studies deferred to the future. The final EIR, should the changes, the few changes that were
9 made from the draft to the final, should be reflected in the project report and the findings of the
10 project report. They should be reflected in the mitigation measures, the final mitigation measures.
11 Mitigation measures, changes to mitigation measures that appeared in responses to comments in
12 Errata Section Four, should appear in Section Five of the Final Mitigation Monitoring Program.
13 They should be reflected in the documents that you are being asked to approve. They are NOT.

14
15 Admittedly, I worked very hard but I didn't get things off until quarter to four this morning, so
16 I didn't have time to get things down concise and brief. I combined two letters together and with
17 regard to the question of the well in Ocotillo, if you look at page 33 out of 48 of my comments,
18 you will find the details about the water level and water quality in the Ocotillo Mutual Water
19 Company, and the other wells for which USGS has monitoring data. Unfortunately, there is a lot
20 of data that's missing. We don't know what is going on and have complete monitoring from both
21 of the mutual water companies. We don't know how much is being pumped from each of the US
22 Gypsum wells, what the static water level is in each US Gypsum well, or what the water quality
23 is in each well. And when I was a witness at the evidentiary hearings for the California Energy
24 Commission, specifically on ground water, I was told that some of that information is
25 confidential. Well, when my well is monitored, believe me, within days of when USGS is out
26 getting data from my well, it's available on the Internet. USGS posts all the monitoring wells, all
27 the information, and I think it's imperative that all monitoring and mitigation that the County has,
28 that that information be made available to the public and to people who are trying to look at
29 what is going on in the ground water basin. If you take a look at the exhibit that I submitted, there
30 was a map showing the location of the private property and indicating where the wells are and
31 then showing changes in the static water level in the ground water basin, which will explain why
32 people are concerned. The one....and these are a graph, a map and two graphs that I submitted to

1 the California Energy Commission, that's why they say Exhibit 550, 599 and 599A.

2 But if you look at Miller's Garage which is the west-most well by the Interstate in Ocotillo,
3 and then you go east 3.75 miles, the static water level, in terms of water level in feet above mean
4 sea level, drops 69 feet in 3.70 miles. That, to me, is significant. And when I've talked to people
5 at USGS, if you want to know what's going on in the ground water basin, you look at static water
6 level in terms of "feet above mean sea level", it's not how far down you have to go to get water,
7 because you've got hills and you've got valleys, so for some people the water is shallow and
8 some people have to go down hundreds of feet. If you take a transect from the Ocotillo Mutual
9 Water Company to the Southeast, to the Yuha Estates subdivision, the water table drops 60 feet
10 in 6 miles. Why does the water table drop? Because, like the Colorado River water, if you remove
11 water from the Colorado River, by the time you get down to the Gulf or to Mexico, there's not
12 that much left. It's been diverted, it's been used. The hydrogeologists at USGS, tell me that this is
13 the fossil groundwater basin. I've tried mightily to convince the County in any of it's mitigation
14 related to US Gypsum, that when a new monitoring well was being drilled, there should be, and
15 I've been told it would cost only \$2000 extra to drill the well appropriately to USGS specs so
16 they could actually get a water sample and date the age of the last significant water recharge.

17
18 Some of the groundwater basins in the California desert, the last significant recharge was
19 32,000 years ago, 14,000 years ago, so there may be some surface water, but it's not reaching the
20 groundwater basin and that's why, even though we've had three 100 year storms, we've had
21 standing water, even in the sink down at Crucifixion Thorns, where you have stranding water that
22 often can last for a couple of weeks, you have not seen the water level go up, at least I haven't in
23 the thirty three years that USGS has been doing monitoring. The few wells that are showing
24 changes for the water level might go up a little bit, well if US Gypsum isn't pumping as much
25 from one of its wells, maybe a nearby well will show a slight increase, or their own well may be a
26 slight increase.

27 In Yuha, McDougal was exporting a hundred to a hundred forty acre feet of water a year and
28 it pulled, the water level down between 60 and 70 feet in five years, and his own well started
29 pumping water that was saline, and my well which was about 900 feet away, dropped thirty feet
30 in five years. Pumping was stopped in 1982, water levels are still slowly recovering. The ground
31 water basin is a lot more sensitive.

1 When I looked at data for the California Energy Commission, I found a lot of information by
2 just going through that Table 10 that I gave you, that raised all kinds of troubling questions about
3 well interference, and what's going on related to US Gypsum, and the nearby WestWind Water
4 Company. Why does one well drop suddenly dramatically in one year when it's not pumping
5 much?

6 There's obviously a lot of questions that there need to be answers to. When I read the draft
7 EIR, and I haven't had a chance to complete the work on the final, I see no new ground water
8 studies using the current USGS Monitoring data and taking a look at what's going on... As
9 hydrologists have been telling me for decades, if the monitoring data doesn't match the computer
10 model, it's the computer model that's wrong, not the monitoring data. So... and it was troubling
11 when I was before you on the US Gypsum hearings, because assertions were made about water
12 quality and water level and about the water basin but the only way to support those assertions
13 was to say that the actual location of the wells were off, because my well was moved a mile over
14 to public land so they could say it was poor water and the USGS assured me that my analysis was
15 in correct.. It was not incorrect about locations of wells or water quality and how to interpret it.

16
17 In my talks with hydrogeologists, there are real concerns about the availability and quality of
18 water at the proposed project site. I will be shocked if a well could be drilled on that property and
19 pump 29 acre feet, or two wells to be pumped, and pump 65 acre feet a year.

20 One of the reasons the County. One of the reasons that people in Nomirage have private
21 wells, is because that when Nomirage was subdivided, there was a single well put in, and it was
22 as hooked up to all the properties. Unfortunately, it was not possible in Nomirage to pump
23 enough water to supply all the lots. So everybody that bought in that subdivision, suddenly
24 realized they had to drill their own well. So you could put in small capacity wells and be able to
25 meet your domestic needs, but clearly, an attempt to put in a larger capacity well was unable to
26 meet the needs that had been approved when the area was subdivided. And the quality of the
27 water of wells near by, some of the water quality in one of the wells was 1900 parts per million
28 TDS, which makes it much more saline than Colorado River water. And if you go down at depth
29 and you get saline water, that has to be treated. You start using saline water for, you might be able
30 to flush toilets or wash hands, but If you start using saline water, you're not going to have much
31 landscaping. You might have tamarisk, but you're not going to have vegetation that is sensitive
32 to high salt content.

1 Anyway, I do have real concerns. I have real concerns because the existing General Plan for
2 the area, the Nomirage/Ocotillo Community Area Plan, requires a site specific geohydrology
3 project for any commercial development that proposes, ultimately, to use 5 acre feet of ground
4 water per year or more. This project from the very beginning, has proposed to use more than 5
5 acre feet. If every time somebody comes before this County with a project, and they want to avoid
6 any study or zoning, you're setting a very bad precedent by saying that the existing rules and
7 regulations don't apply to certain people but that they do for others.

8 II think, in my opinion, and talking to some of the people I have, I don't understand why the
9 applicant wouldn't want a very detailed site specific study on the ground water before investing
10 the money. My recommendation would be, I wouldn't put in a well that's going to pump a large
11 quantity of water.

12 When our neighbor put in a well and wanted to pump more water, he put in a larger
13 horsepower pump and motor, and it lasted twenty minutes. Then he went back down to something
14 that was half the size of what he started with because portions of the ground water basin are not
15 capable of yielding the amount of water that people want. And where the mutual water companies
16 in Ocotillo are, the Ocotillo Mutual Water Company is the furthest west sizeable well that is
17 pumping any quantity. Then you have the Coyote Valley Mutual Water Company and US
18 Gypsum. And this proposed project is in an area where, people I've talked to think there's going
19 to be serious problems.

20 Also the project site, based on..... And I hope your maps showed up. I forwarded, I believe a
21 Google Earth map that showed the epicenter for the June 14th, magnitudes 5.7 earthquake. My
22 estimate is that it's within two miles of the project site. And when the Sheriff and Fire
23 Department came around, I was told that people had broken water lines, broken sewer, damage to
24 the electrical. I think there was real concern on the part of the community that if you've got water
25 system, if you've got fuel storage tanks, and you've got any sort of waste water treatment, and
26 piping, if there's another large earthquake, there could be substantial damage. And my
27 conversations with seismologists at USGS, sad to say, I've been told to expect a couple of
28 Magnitude 6 earthquakes and another 7or more earthquakes in the area alone along the Laguna
29 Salada Fault. It doesn't make me feel happy, because I realize how devastating the damage was
30 for many people with the magnitude 5.7.earthquake. And I don't see the seismic studies or the
31 geotechnical studies that would have looked at, and evaluated an earthquake with the kind of
32

1 violent shaking, and then the rolling, and I understand that other people in the area got the rolling
2 almost liquification type effects. Where I am, I mean I was at a Border Patrol Checkpoint. I
3 thought the Border Patrol Agents were trying to knock my van over, it was shaking so violently. I
4 had to stop four times in my driveway to remove rocks that had rolled into the driveway to even
5 get home. And, I just don't think that this project in any way has done all the studies. The US
6 Army Corps of Engineers said that they needed, they need to do a determination of the
7 jurisdictional waters of the US. That includes the Coyote Wash that runs in from the South East.
8 They also have jurisdiction because of the FEMA designated floodway. So there's major sources
9 of water going through. And I've sat and I've listened to the hearings, evidentiary hearings before
10 the California Energy Commission and looked at the staff assessment and BLM documentation
11 on Imperial Valley Solar. Neither the California Energy Commission, nor BLM can make final
12 determinations until they get the determination from the US Army Corps of Engineers, about the
13 jurisdictional waters of the US, because the washes in Southwestern Imperial County all
14 ultimately have connections to the Salton Sea.

15 And the maps, I do see a blue line going through the property indicating the Coyote Wash.
16 So, there.... And IID indicated that there may need to be additional environmental review for
17 additional facilities that they would be required to put in the site. Those studies haven't been...
18 All of these go to good faith effort at full disclosure.

19
20 You're deferring that. You're deferring.... You are saying, OK, a six year study on ground
21 water, and then maybe another study? You should be doing these studies up front, so that the
22 project applicant knows whether this is really the place to be investing the money, and, and so
23 does the public.

24 I am aware that before the Planning Commission, I don't know at what stage... there are a
25 number of very large projects that, when I tallied up the population, looked like it would have
26 housing and development for as many as 40,000 new people. Some of them are 400 acres. Some
27 are for a thousand acres. There's another race course proposal on the West side, Desert Springs
28 Oasis. So it's not that there are not other large parcels of land in places that might be more
29 suitable, might not have as many environmental Impacts, and certainly would be not up against
30 adjacent to residential communities. But I think that you should... I had submitted things
31 yesterday. I think it should have been taken off the agenda. The hearing should be continued. I
32 am wondering if any one of you had time to read the full 3567 pages in a week. And to just, and

1 then I kept seeing things and I would pull out and say.. Oh well, then I remembered something
2 different over here. So I'm going through all these documents and trying to see the
3 inconsistencies. If the EIR and the project report findings don't match the EIR, and the numerical
4 numbers and the statements in the EIR don't match what's in the Specific Plan, don't match
5 what's in the Tract Map, and don't match what's in the Conditional Use Permits... you're in
6 trouble! That is not the kind of project that you should be approving.

7 I think that it's not reasonable to be asking the County to make a determination that the final
8 EIR is adequate under CEQA, when, in just a very short time, you know, even though I'm
9 working really hard to try to do it, I'm able to find a lot of inconsistencies. You heard about
10 helicopters today. Well, in response to one comment, the final EIR said there's going to be one
11 helicopter landing pad. The Tract Map shows two. So does the Specific Plan. So, what is it?
12 Where are you? In one place in the final EIR, it says one helicopter pad, another place, it says
13 two. That's not a consistent project description. I have no idea what the Planning Commission or
14 anyone else thinks they might be approving, if the decisions are made to approve this project.

15
16 COMMISSIONER NIVER: Edie, may I say something?:

17 HARMON: Sure. Ask me any questions.

18
19 COMMISSIONER NIVER: Hurricane Kathleen. Sept 10th Hurricane Kathleen. September 10-
20 through the 17th, 1976, 1994, high run off year. Same thing. Heavy duty rains. Both times IID
21 sued. I love your work, but over all these years, do you ever, ever look for the positive side? Do
22 you ever walk in after a rain storm and look how much they go up.

23 HARMON: No, They don't go up. The wells, the only ones...

24
25 COMMISSIONER NIVER: Harper Springs goes up.

26 HARMON: ...but they're getting run off from the mountains.

27
28 COMMISSIONER NIVER: I know.

29 HARMON: But we're not. It's not recharging. The places where some wells are going up is in
30 the Yuha well which is in the Badlands.

31
32 COMMISSIONER NIVER: So you don't have a drain through

1 HARMON: It is not recharging.

2 COMMISSIONER NIVER: Where does it end up?

3
4 HARMON: What USGS has told me, this is basically a fossil groundwater basin that is left from
5 the end of the last ice age, when there was a different climate pattern, when there was more
6 rainfall. And, basically when the water's gone, it's gone. And the question is "how long?"... I
7 have a whole long list of ghost towns in California based on what I've learned from USGS.

8 COMMISSIONER NIVER: Your aquifer in Ocotillo is very limited. It's terminal.

9
10 HARMON: It is . Yes. It's very limited.

11 And that's why, and part of the problem with the ground water basin is, it is, it covers a large
12 area, but most of the land is owned by the federal government. It's Bureau of Land Management
13 Land. Where people live, it's 15,500 acres of private land, and it's all congregated in one place. .
14 It's Coyote Wells, the name Coyote Wells came from the 1800's, when coyotes could scratch the
15 surface of the earth and water would fill in the depression. Thus, Coyote Wells. The water no
16 longer does that. The water table has dropped, because US Gypsum has pumped large quantities of
17 water, and water has been used by Ocotillo. So, like the Colorado River. Except it not an ever
18 flowing recharge. And then, some of the basins in California where the USGS has done studies,
19 they've been dating the ground water. And they say that the communities are unrealistic if they
20 think there's substantial recharge. They re going to have to learn that they have to live within the
21 limits and then when it's gone, it's gone.

22
23 COMMISSIONER NIVER: No positive spikes?

24 HARMON: At least not in this ground water basin. Maybe, maybe in Anza Borrego, maybe some
25 other basin. But, the people that I've talked with at the US EPA, that's the federal agency that
26 made the Sole Source Aquifer designation, and they have essentially told me - no significant
27 recharge. Well, one of the questions said, if you're down a hundred feet or two hundred feet to the
28 water, think how much water it would take to wet a dry column of soil that much and those of you
29 who are farmers know how much water it takes to saturate the soil down very far..

30
31 CHAIRMAN SCHAFFNER:: How many monitoring wells are there in Ocotillo now?

32 HARMON: There are ten. There need too be more.

1 CHAIRMAN SCHAFFNER: Ten?

2 HARMON: I think there's ten. And there are places where there need to be monitoring wells.

3 There were supposed to be additional monitoring wells to be put in after the county approved the

4 US Gypsum expansion project, but to the best of my knowledge, those monitoring wells have not

5 yet been put in, but USGS is not monitoring.

6

7 COMMISSIONER: This project requires two three?

8 COMMISSIONER: Three per well. Okay.

9

10 COMMISSIONER BURGH: I have a question for you. You were going by the US Geological

11 Survey people as far as the type of soil and conditions in the Yuha basin, and that area, Ocotillo

12 /Nomirage area. Using their data to support what you're saying, but on the other side, a few

13 minutes ago you said you were questioning their details on liquefaction.

14 HARMON: No, I'm not questioning any of USGS monitoring data.

15

16 COMMISSIONER BURGH: No, you were saying something about earthquakes,...the movement

17 of the ground.

18 HARMON: Liquefaction, when people describe the shaking with the earthquakes.

19

20 COMMISSIONER BURGH: Actually, I did read the 3000 pages. Actually, there are more than

21 3,000 pages. It took me five days, but I read 'em. There is a very detailed report in there by those

22 people, very specifically stating the possibility or non possibility, because the ground water is at

23 53 or 56 feet, it's not possible for it to happen. Now you're questioning that?

24 HARMON: I'm questioning that because the water level in some of the wells is shallower than

25 that.

26

27 COMMISSIONER BURGH: You said your well was monitored.

28 HARMON: Yes, but my well is irrelevant for that. I'm not in that area....

29

30 COMMISSIONER BURGH: How much water do you draw?

31 HARMON: The water table where I am, probably less than an acre foot. The water table where I

32 am is still slowly recovering since McDougal stopped pumping.

1 COMMISSIONER BURGH: But it is recovering ?

2 HARMON: It is very slowly recovering since

3

4 COMMISSIONER BURGH: [interrupting] So these people are going to have 3 monitors on each

5 well

6 HARMON: But the location of the monitoring wells, if I recall correctly, is between the two wells.

7 That is not going to tell you what is happening off site, and potentially....

8

9 COMMISSIONER BURGH: If the strata is different it will. You don't know what lies under the

10 ground. If the strata, if you're talking about....if there's clay or any kind of item down there, it

11 can be, as far as, I'm not a soils engineer, but if there is a strata there, yes you could have them,

12 between the wells and have two different readings, very easily... OK?

13 HARMON: The real concern is not what happens to their well, but the impacts of their pumping,

14 what does it does off-site to other people's domestic wells, because they're using, they're

15 proposing to use a very large quantity of water and pump a large quantity from a single well and

16 that's were there have been problems, problems with...

17

18 COMMISSIONER BURGH: [interrupting] The number of lots that they have out there, or parcels

19 that they have out there, then,you would say, anyone out there, that did any kind of

20 development out there, you would object to it.

21 HARMON: No, I'm saying that I think you would have a problem if you attempt, at that location,

22 to pump a substantial quantity of water from a single well, based on the experiences from other

23 wells that attempted to pump a substantial quantity of water. But...

24

25 COMMISSIONER BURGH: [interrupting] Another question I had, was, and I was going to ask

26 somebody else about this...How do you take care of your sewer?

27 HARMON: Every body in Ocotillo has septic tanks.

28

29 COMMISSIONER: That doesn't interfere with the leach liners, doesn't interfere with the water

30 table?

31 HARMON: Not when the water table is deep. It becomes an issue if the water table is shallow. .

32 And if there's any substantial use...

1 COMMISSIONER BURGH: Okay. These people are trying to protect the aquifer. You guys are
2 possibly polluting it. They have a...How would you like to have the County come back and say
3 now you guys are going to have to set up a sewer system?

4 HARMON: If they do that, they're going to condemn literally every property there, because no
5 body could afford it.

6
7 COMMISSIONER: Okay. These people are putting in something that they are going to mitigate
8 the environmental. You have how many residences out there at Nomirage?

9 HARMON: I'm not sure.

10
11 COMMISSIONER BURGH: 100 ...80 times the leach lines times,... who had their septic tanks
12 pumped out last time? It's not a reasonable argument. I don't see the reasonability of your
13 argument. You're saying that they can't...

14 HARMON: Just because you're not a ground water user, (laughing) you don't understand.

15
16 COMMISSIONER BURGH: You're asking them not to put that out there. You're asking this
17 Planning Commission not to accept it, at the same time...what you guys are doing to it.

18 HARMON: I think it's an inappropriate project at that location, and I think it's inappropriate.....

19
20 COMMISSIONER BURGH: I think it's more appropriate if the people in Nomirage out there had
21 a more septic systems or system that would take care of the sewer. That would protect the
22 environment.

23 HARMON: THIS is not to help the people in Nomirage!

24
25 COMMISSIONER BURGH: The company I work for answers to 17 different federal and state
26 agencies.

27 HARMON: But this project: is not proposing to provide sewer service to the people in Nomirage.

28
29 COMMISSIONER BURGH: No, they're going to accomplish it, they're going to take care of
30 their own, and they're gonna return it back into water that can be used for plants. Are you
31 returning your water it to plants?

32 HARMON: Well, I'm sure that people's septic tank water, the roots do reach them...having

1 helped somebody clean out(laughing again)

2 CHAIRMAN SCHAFFNER: Well, if any of the other Commissioners have any other questions for
3 Ms Harmon, please ask her now. And we'll let her , who knows what the clock .
4

5 HARMON: I'm going to add one comment. I'm very concerned if the County is going pay for a
6 Sheriff's deputy to serve a private gated community. It does not seem appropriate for the County
7 to be funding law enforcement exclusively and setting up a substation exclusively within a gated
8 community for a very small population. It doesn't seem prudent.

9 CHAIRMAN SCHAFFNER: You don't want protection out there?

10

11 HARMON: It's in a gated community. I'm not gonna be welcome there. They'd never let me
12 through the gate.

13 CHAIRMAN SCHAFFNER: The Sheriff is going to be out and about everywhere. It's not just for
14 them. It would be for you, also.

15

16 HARMON: Right now, the Sheriff comes from Winterhaven whenever he is called. Nobody calls
17 the Sheriff. Everybody calls the Border Patrol.

18 CHAIRMAN SCHAFFNER: Well, if you don't want em, that's fine I guess.

19

20 COMMISSIONER: I have one question to the gentleman who can't handle the noise, if....

21 CHAIRMAN SCHAFFNER: We'll go ahead and close the public portion of the hearing, and if
22 you have any questions for any of the experts here, Commissioners, let's do that now.

23

24 COMMISSIONER: The gentleman had about the noise. Can you get that map out there. That is
25 showing....What are the decibel levels...and, it's, you can't read it here. And I can't read it up
26 there either. What are they?

27 STEVENS (?): Okay, so the blue which you would find is in the middle of the airstrip in the car
28 tracks, where it's the loudest, it's 75 db at that spot.

29

30 COMMISSIONER: OK.

31 STEVENS (?): As you go down, the yellow ring before the transparent ring is actually 55. The
32 transparent looking ring is greater than 50, and then the next yellow ring is greater than 45. That

1 gives you some kind of basis. I can fill in the other levels if you'd like, but that's the kind of the
2 range..

3 COMMISSIONER NIVER: Motorcycle?

4
5 STEVENS (?): The motorcycle, right on the motorcycle track is greater than 75.

6 COMMISSIONER: What is, what is, there is a degree that you may not exceed in California?

7 What is it? I know train whistles at 90 are forbidden. But what is there.... I read something about
8 80 decibels is....

9
10 STEVENS (?): [interrupting] It is the, its the ,I don't know if I have it specifically in front of me.

11 The way they break it down, I was gonna try to touch on this when the guy talking about traffic
12 noise. It's perceived by two different standards: There are standards for traffic noise, then
13 standards for stationary source. And, so they'll pick a level . I'd have to verify. But let's say that
14 it's 55. For impacts stuff. It's broken down to less than a minute. You add, I believe, it's 15 db to
15 that. If it's between one and five minutes, you add ten. The next level down is five. And so on.
16 Then they actually, also to address that, will add another five, sorry, they'll lower the level five
17 decibels if it's impact tones, as opposed to a steady tone, or what they call simple tone.

18 COMMISSIONER: Okay, so your 75, the area covers 75. How far would that travel, and how
19 much dissipates?

20
21 STEVENS (?): That's what's shown on the contours. You're asking about the dissipation of that
22 noise, Correct?

23 COMMISSIONER: Yeah, Otherwise, well one gentleman came up here and he says his house is in
24 the grey area there. What is he going to experience at that level? The extreme.

25
26 STEVENS (?) Right. You would experience levels between 50-55 decibels in the grey area. .
27 Just to add on to that, the reason why the coloring also didn't come out, we made it transparent just
28 to overlay on to the thing. Sad enough, the noise program that is used, we can't alter the color, so
29 it's going to just have to live with it. But it is easier to see once you have it in front of your face,
30 not on a projector. Thanks.

31 COMMISSIONER GADDIS: Is there a difference between night and day on your sound studies?
32

1 STEVENS (?): Well, we actually picked the worst hour, regardless of night and day, to compare
2 worst case. So, and I think I mentioned this earlier, what this is showing, and the reason we do the
3 contours that way, this can help show where the sources are coming from. And this is assuming
4 that every single source is operating at the same time. I mean, guns are firing, I think on the
5 modeled currently. In the same track, you know, a number of motorcycles are running at the same
6 time. The airstrip is going, both Helicopters are being used simultaneously which we've learned is
7 not even possible. Correct. I think it's one per hour. So, and, just to clarify with the question on
8 one or two, we do have both helipads shown here, on the North and South, so....

9 COMMISSIONER GADDIS: Would you be the one to ask, is there a cut off time for noise at the
10 facility? Do you know?

11
12 STEVENS (?): They're proposing to stop at 10 PM. Correct? They're stopping at 10 PM, but
13 again, we're basing it off the quietest hour, regardless...it's basically assuming that, based on our
14 measurements that were taken out there, we picked the quietest hour, combined it with the worst
15 case scenario, and regardless of what time that happens, you know.

16 FEMALE VOICE FROM AUDIENCE:: What's the quietest hour out there?

17
18 CHAIRMAN SCHAFFNER: OK. We can't have people that aren't at the podium speak out.

19 COMMISSIONER GADDIS: What was the quietest hour out there?

20
21 STEVENS (?): Let me see if I can tell you that time. I don't know that I have it in front of me, the
22 exact time. We did 24 hour noise monitoring at all four locations. It can vary. Let me see if I
23 have it in front of me. If not, it's most definitely in the report. But, it is compared to the quietest
24 hour out there.

25 CHAIRMAN SCHAFFNER: And then you just picked the smallest.....?

26
27 STEVENS (?): Exactly.

28 COMMISSIONER GADDIS: Two o'clock in the morning or something, I would think.

29
30 STEVENS (?): No. Believe it or not, I think the quietest hour of the day there, I think it falls in
31 line with a lot of the comments, actually was, I think in the middle of the afternoon. Because the
32 traffic is kind of at a minimum in that area. And, believe it or not, one of the things I think that, I

1 wanted to just touch on, to help, hopefully clarify on both ends, is the perception of it being quiet
2 out there right now. From a, not hearing a bunch of traffic, not hearing a bunch of potential uses in
3 the future, that is a very, I guess, accurate perception. However, based on the noise levels taken,
4 which are monitored by the equipment, it's not as quiet as it seems when you're physically there,
5 or in the, I guess, the environment that you're looking for, so that's why when it arises that you
6 know, when you compare the levels of all this activity, you say "Oh sure, it's going to be louder
7 than it is", that's kind of why those numbers are coming out the way they are.

8 Based on the environment, you know from when I think it was mentioned, based on the wind
9 direction, that affects traffic noise...I don't know that it's so much blowing the traffic noise, but
10 it's just wind noise in general. Obviously, you have the freeway, you have 98, you have all that at
11 once and that's why those noise monitors were placed at all different locations, both near
12 roadways and far away from roadways, to get an overall environment. It wasn't, you know, it
13 wasn't just selected at one point.

14
15 CHAIRMAN SCHAFFNER: Thank you. Any other questions? OK. Thank you very much.

16 STEVENS (?): No problem.

17
18 WEBB: For the project proponents, can I make a closing statement?

19 CHAIRMAN SCHAFFNER: If you'd like to address any of the comments.

20
21 WEBB: Yes, what I'd actually like to do, is just to address some of the more the perception issues
22 that were brought up by the public and then turn it over to Jeff Lyon who was taking detailed notes
23 for some of the technical issues that were brought up, and I'll let Jeff close. But, thank you again
24 just for facilitating this process.

25 Also I'd like to go on the record and just say that, you know, as a veteran myself, I was pretty
26 disappointed that Congressman Filner is, who actually chairs the Veteran Affairs Committee, is
27 opposing a disabled Veteran owned project, in his own district, especially one that's going to
28 create jobs and a lot of revenue and training benefits for the local community.

29
30 But getting in to the issues that were brought up. The first one was Spring Mountain Motor
31 Sports in Parumph, Nevada, which is, when you pull it up on Google Earth, it's a very similar
32 situation to what we have in Ocotillo, where you have a race track nestled right up against a small

1 desert community. I'm friends with the owner, John Morris. I've been out there a few times as his
2 guest. And he's, you know, we talk all the time via email. One of the issues he said was: "Look,
3 when I came out here and bought the track, there was the same kind of concerns in the
4 community." Once the track, he reinvested in the track, built a clubhouse, put in some ranges for
5 law enforcement. That the community was really, there was a more of a fear of the unknown. But
6 after he was up and running that, the community is has now embraced it, it's a great little, little
7 track out in, in Parumph.

8 CHAIRMAN SCHAFFNER: This is the man who never heard of you?

9
10 WEBB: Yeah. [laughter from Commissioners] So, yes, I am friends with John Morris. He is the
11 owner. The, as far as the viability of the, providing an area to train in the region, we've not only
12 our main focus has been to work with the local valley agencies, but we have talked to San Diego
13 as well. Miramar College does probably 95% of all the public safety academy training in San
14 Diego, and that's the police and Sheriff. I've talked to the Dean, George Beatty. And, they've been
15 sitting on about 20 million dollars of bond money trying to solve their driver training issue. They
16 apparently have no place to currently train. They rent parking lots, a lot of it is done at Qualcomm
17 Stadium. There's just no long term solution. And they can't, and they have the funding, there's just
18 haven't identified an area in San Diego to do this. So, he's very excited about the project that we
19 had, and, you know, essentially said that he would devote all the driver training portion, would
20 push it over the hill to the valley, and essentially let us train all of the cadets that are going
21 through his academy. So it is essentially going to draw in more agencies into the valley.

22 A lot of the public was commenting on the changes. They heard one thing and now they hear
23 another. That's part of the dialogue with the community. In the initial concept stage, we say,
24 "Hey, this is kind of part of what we have planned. What do you think?" We pitch to the local
25 community, we go to the local agencies and get all their feedback. And, yeah, we make changes
26 and what we submitted as part of our plan reflects all the input from the public and these different
27 agencies. So, from the day one concept meeting, before we even submitted the planning, Yeah, the
28 project has changed for the better because we incorporated all the community input.

29
30 And part of that is, we are a business. We have contracts right now. You know, we have our
31 website, which represents kind of the business of the business. And then we have a separate
32 project.. So we have two different things going on there. And I think, once you really look at the

1 website and recognize that the project is quite different from some of the business operations that
2 we are conducting today.

3 One of the last things I wanted to comment on is just responsible development. We've, you
4 know, we've been above board, we've been working within the community. We've reached out to
5 Ms Harmon and the Sierra Club numerous times to actually get their input into the project, to help
6 us develop a more environmentally responsible project. They have refused us. So, we have made
7 every attempt possible to reach out. And from all the groups that have voiced concerns to get their
8 input. We've taken every step possible. We've reached out to all the groups to get their input, to
9 have an open dialogue. They have refused our request. [*Harmon vigorously shaking head No to*
10 *this comment, observed by all Commissioners. No evidence that Webb ever called or sent email.*]
11

12 When you talk about, you know, development, and you know, developments up against a
13 similar type of facility or projects that come up against residential, and you just look at San Diego.
14 You have Coronado, which, essentially you have residential up to the fence line of two major
15 military installations, with ships, planes, gun ranges. Coronado has probably one of the highest
16 real estate values in the city of San Diego. So, and its...you know, the projects are embraced by
17 the community, because the bases and the installations have a good relationship with the
18 community, and they're proactive in being a good neighbor. And that's a commitment that I make
19 today and will continue to make, to be a good neighbor in the community .

20 Before I turn it over to Jeff . Jeff, who's taken really detailed notes. And I think,
21 Commissioners, when you review the plan, we've follow the rules. We've followed the rules.
22 We've addressed the concerns. We have the mitigation in place, and which Jeff will go over. And,
23 again, just really thank you. I appreciate the time and the process itself. You have to have the
24 concerns from both sides to make sure that we do we do address everything...so, thank you.

25
26 CHAIRMAN SCHAFFNER: Thank You.

27 LYON: Hi. Jeff Lyon, of GS Lyon Consultants.. I'll just try to hit on a few things, because I
28 don't think it's necessary to go through every item that I took a note on. But I know that, there
29 was a comment, you know that the Sheriff's station was going to be funded by the County to be
30 out there and only serve this gated community, and that's not the case. Actually, there's a
31 condition in our Tract Map that requires us to fund it and be for the community. It's not for us at
32

1 all. But the Sheriff's Department has realized that there's a long response time to be out there.
2 And since they did have an opportunity for a larger commercial development to possibly fund
3 something like that, ... we've agreed to built it into our facility. The station, yes, will be on our
4 site, but it's there for the community and we're having to pay, pay for that. And the same goes for
5 some of the emergency services out there.. One of the conditions also of our Tract Map is to
6 provide jaws of life on site, so if there's an accident out there, that's available to both the Ocotillo
7 Fire Department which gets calls out to Interstate 8 all the time, and to anything that may happen
8 on the site itself, so we're bringing some things that currently the community doesn't have, and,
9 and those are at no cost to the community.

10 There was comments about the wastewater treatment plant and the air quality around it. If you
11 looked at the map, the wastewater treatment plant is a mile north of Hwy 98, and that's a half mile
12 north of any residences. Prevailing winds are to the west, and they're, then they're going off to, off
13 to the... and blowing and taking, taking the direction away from any of the residences. That's why
14 we picked that site. We wanted to make sure and not have any problems. Actually, the treatment
15 process that I've come up with is, emanates very little smell. It's kind of a musty like water and
16 stuff. It's a treatment process that's not real complicated, and, but does It does a very efficient job
17 of doing that.

18
19 There were...in the project description, you know, there was talk about not saying "military"
20 and stuff . What it talks about is government agencies, law enforcement, and the thing that's
21 important is that the statements are correct about the number of users, and the types of ammunition
22 that will be used. It doesn't matter whether it's a policeman using that, or military man using it.
23 The weapon doesn't change, the ammo doesn't change. And the numbers of users doesn't change.
24 Everything has been accurately detailed within in the Specific Plan and the EIR.

25 I think, and I think Mr. Schaffner brought that up before. The helicopter landings, by our
26 conditions, are restricted to, for training twice a month. So it's not like this is an every day activity
27 out there. It's certainly not a war zone. And it's more to be able to maneuver around the
28 helicopters, and learn how to handle your weapon around it, and learn how to secure a helicopter,
29 because certainly all law enforcement personnel have that specialty training that's needed.

30
31 On the burn tower that's out there, we have the water consumption rates within the Specific
32

1 Plan about the use out there. And it kind of makes me surprised because I was, and when we
2 talked to the burn tower, or the people who manufacture the burn towers, I asked them, “ what’s
3 your consumption rate”? They said really it’s not that much.

4 We use a few thousand gallons in the training exercises, because we’re using props that are
5 fueled with propane gas from a tank that’s located in a secure location that’s located away from
6 the burn tower. We only run it for a few minutes, you know. We light the prop. They come in with
7 a 150 gal/minute hose spray, but they turn it off right away. So, it’s only a small usage. And I
8 have that usage estimate in the Specific Plan. And it’s considered in that overall consumption rate
9 of 65 acre feet per year, annually.

10
11 COMMISSIONER GADDIS: If I want to,

12 LYON: Sure.

13
14 COMMISSIONER GADDIS: May I clarify? Go back to helicopter. Beat that thing to death.

15 LYON: Okay.

16
17 COMMISSIONER GADDIS: There is going to be a specific flight plan that will not allow them
18 to fly over the people’s homes, I would assume.

19 LYON: That would be correct. I , if, I can say there might an instance where that would not be
20 correct. That would be, if the Border Patrol is out there patrolling where they do currently, which
21 they’re already out there. They run the entire border. which they’re doing currently. They run the
22 entire border, if they’re coming off the San Diego Mountains, because they patrol up that far, and
23 they need to land down there, they would still, they’d still have to come and approach around for
24 the public flight path. Which means they’d over fly the area and turn around, come back to facing
25 toward the west, and put their helicopter down.

26
27 CHAIRMAN SCHAFFNER: Is there two or one helicopter landing sites?

28 LYON: There are two, The other one is completely away from the residential area.

29
30 CHAIRMAN SCHAFFNER: There’s something I’d really like to see that out there because ...I’d
31 like to see Life Flight be able to get in and out of there any time necessary. And, I would like to

1 see on paper, a plan that says what there' gonna do f they got a helicopter on their pad, and
2 somebody...there's guys out there running with their guns and somebody needs Life Flight... I
3 want to know on paper that those guys know what they're going to do to get their helicopter out of
4 there and fly in, cause that has to be there for those people day or night and be available for them.
5 Cause they're a long ways away from a hospital.

6 LYON: Now night might be a little difficult because..because the pads are not lighted. But still....

7
8 CHAIRMAN SCHAFFNER: I don't know if it's legal for them to land there at night, but
9 whenever they can possibly do it, I want it to be available for those people out there.

10 LYON: Yes. On the, let me , let me ... I think I'll be able to show you on the plan. The other
11 helicopter pad is located up here. And see the residences are down here in this area. And actually
12 the last residence is probably right about here. That's probably about half way for the overall
13 length of the project. This is probably a mile from here all the way down to here. So the helicopter
14 pad was put in here near where potentially future hangers might be, and it was thought more that if
15 you have a sports car club user that has a helicopter instead of an airplane, he can come in and land
16 his helicopter here, and then use the car that's in his garage. That would also be the secondary
17 pad that would be available for Med Evac.

18
19 CHAIRMAN SCHAFFNER: I just don't want to see somebody have a heart attack, and life flight
20 comes out to get em, and says gee there's a helicopter on the pad and they can't land it , so the guy
21 had to drive him into town and he didn't make it. Then it would be useless. We need to see a plan
22 that is gonna work for the people out there.

23 LYON: Correct, correct.

24
25 COMMISSIONER: Mr Lyon, on the Waste Water Plan is it going to the process with the
26 California Regional Water Quality Control Board?

27 LYON: Absolutely. Early on in the project, I talked to the County Environmental Health
28 Department, Laurence Seifert. And, he indicated that now right from day one, because we're
29 looking at this thing as an overall project, we wanted you to go to the California Regional Board
30 right from the start. So we'll be permitting from the Colorado River Basin for that WasteWater
31 Treatment Plant.

1 We also, there was mention that there was additional permitting from the US Army Corps of
2 Engineers. We know that. We had an onsite meeting with their representatives. They explained the
3 process they wanted us to go through. And it's essentially, for all the ground that we disturb, we
4 have to replace it with a like habitat at a different location off-site within the Imperial Valley. It's
5 kind of just the nuts and bolts of it. But there is a process, and we have to apply to the Army Corps
6 of Engineers, through that flood zone that's there.

7 CHAIRMAN SCHAFFNER: I'd also like to see out there some form of advertisements, whether
8 it's pamphlets, little signs posted here and there, the phone number for the locals, if they need to
9 call somebody there for assistance...a number that everybody knows, kind of the old 911 thing.
10 Cause I know 911 sometimes here, has a long response time coming.. Time is everything out
11 there. And I would like to see either you guys post it at your front gate. Have pamphlets
12 somewhere in town, little signs, somehow, let everybody out there know how to get a hold of
13 help if they need it there.

14
15 LYON: Yeah, I think that's easily done, since the Sheriff substation will be there. We'll have a
16 direct number to that substation and that's usually the person that would get routed the 911 call,
17 but certainly that's a separate number that can be provided also.

18 CHAIRMAN SCHAFFNER: OK.

19
20 LYON: Maybe one comment about the earthquakes and the vicinity of the faults that are out
21 there. It just happens I pre, I did that study for that project and we considered all the fault lines and
22 their vicinity to the project site. Historically, I think in 1896, there was over 7 magnitude fault on
23 the Laguna Salada fault. That's considered in the acceleration values that we said that everything
24 needed to be designed to. The rolling wave is a common wave, it is not a liquefaction wave.
25 That's a common wave that occurs everywhere in the Imperial Valley. I've been here through
26 most major fault that are here except for the 1940. I am not that old. But in '79 and '87 and the
27 one that was here recently. You always get a rolling wave, its just a different type of wave. I
28 think it's called a P wave. And it doesn't signify liquefaction. It's just the way the ground reacts,
29 once the initial shock has occurred. And, I think you are correct, Mr. Bergh, that you saw a
30 statement in there because the ground water is at 50 ft. and below, there's no known cases of
31 liquefaction occurring where that condition exists. So we don't expect liquefaction to be a
32

1 problem at the site, but there will be a detailed. Part of the conditions are there will be a detailed
2 geotechnical study at every one of the building locations. So, you know, we'll look out for those
3 things.

4 I think that's it. That's kinda been the big picture. Unless you have some additional questions.
5 Yes...

6
7 COMMISSIONER: How about the Ground Water Management Basin Plan that you are going to
8 be doing?

9 LYON: Yes, The groundwater currently, there are a number of studies. And particularly, the US
10 Gypsum study is kind of the benchmark study that has been used out there. And which the
11 consultants the Layton and Associates did independently reviewed this time and had some other
12 theories and things too. But they're all based on monitoring wells that are scattered around the
13 area, and aren't really site specific. So, what we're going to do is, any well we're going to do,
14 we're going to put additional monitoring wells away. Actually, I specified for the wells off to the
15 Southeast, off to the South west. Not just between the two production wells that are here. Because,
16 we're interested in protecting the quality and the ground water levels around us. We're also going
17 to approach every owner and say can we test and measure depth at your well. Um, you know,
18 Initially it was hard. I tried to get that done early on in this study but when you're in an
19 adversarial position, you know, it's kind of hard to get that kind of information. But we'd, we
20 would like to go back and request to go onsite and actually test the quality, before the project even
21 starts, test the quality of the water, the depth of the water, and then we can monitor those wells,
22 also, as well as monitoring the wells that we install. All of that data will be collected by
23 independent consultants, somebody other than the project proponent. It'll be reviewed by the
24 County. The County actually uses a consultant that's in Sacramento that's known as a ground
25 water specialist throughout the State. And, and they also they also give that to USGS. I mean,
26 everybody will have their hands in a plan like that. I reviewed the one that's available for the
27 Coachella Valley... and it just addresses everything in the Coachella Valley, where you use water,
28 what it does to the ground water. how you're going to recharge. And it has a bunch of conditions.
29 And, that's what we expect to come out of the ground basin management plan.

30
31 COMMISSIONER: Well, that should be an ongoing basin management plan, it should be helpful
32

1 to the entire community.

2 LYON: That's correct. That's correct.

3

4 COMMISSIONER: Answer some of the questions that are still laying out there.

5 LYON: That's correct. Like I said, Ms Harmon said, OK, over here at this location, I drilled this

6 and my neighbor drilled this. Well, I think there's been some statements too that the ground

7 conditions change with the distance, so what may be happening there is not particularly what

8 happens on this particular site here or what happens off-site seven hundred feet to the west is not

9 particularly what happens on this site. So

10

11 COMMISSIONER: 200 ft. lower?

12 LYON Yes. And a couple of hundred feet lower. That's correct.

13

14 COMMISSIONER: So you guys basically would do some kind of studies similar to what is done

15 in geothermal as far as wells going outside the?

16 LYON: That's correct. Yep. We, 're gonna do that.

17

18 COMMISSIONER GADDIS: And that would be public information?

19 LYON: Yes, yes, I think so in this case. And, and, you're gonna want an answer for you.

20 {laughter in background} My understanding that some information is not available to the public

21 after 9/11 because there are security risks. And that's why sometimes high lever, I think Ms

22 Harmon talked about sometimes there's information she can't get to. And I wouldn't be able to

23 get to. And, that's because it's a national security item. Now, when you have a large volume being

24 pumped from a certain location, they don't want to disclose location, what's there or anything

25 else, or the importance of it,. And so there was, it's changed after 9/11....

26

27 CHAIRMAN SCHAFFNER: Ms Harmon should be above national security? [Lots of laughter

28 from commissioners and audience.]

29 HARMON: ? [Inaudible from audience]

30

31 LYON: I don't know that. All I know is some data is, I think probably Jurg or someone else could

32

1 answer that. I just know that that is a requirement now after 9/11. After 9/11 there is some
2 information not available to the public.

3 CHAIRMAN SCHAFFNER: Any other questions?
4

5 COMMISSIONER Gaddis: The only other thing I wanted to clarify was the dust production of
6 your operation.

7 LYON: We, well one, we, as part of the conditions, we have to comply with all the Imperial
8 County Air Pollution Control Department standards. And, if anybody knows them, they're very
9 stringent. [laughing] Yeah. So during construction, we, there, essentially, the requirement is zero
10 dust. I think any of you in construction you've seen this before. Zero dust during construction.
11 After construction, we're required to put down some kind of coagulant on the surface to create a
12 crust so there is no wind borne dust also. All of the activities we're going to have on site are
13 going to be on pavement, so we're not creating dust that's on the pavement. If dust starts
14 emanating on the pavement, like you know well, in the agricultural industry, you know there's a
15 lot of mud that's tracked on the pavement. And then it dries and you drive over it and a lot of dust
16 comes up from that.

17
18 If we get dust on that, we would be required to sweep and with a spray bar behind the sweep
19 broom and stuff, clean the pavement so that dust doesn't come off.. And that's the way the
20 regulatory standards work.

21 COMMISSIONER GADDIS: So was my statement correct that you're going to produce, when
22 you're complete, there will be less dust at that parcel? Would that be an accurate statement?
23

24 LYON: Yes, it should be. You know, obviously, we haven't measured the dust that's off there.
25 All I know is when I drive to San Diego, and the wind's blowing, there is a big cloud that used to
26 be coming off there. Some of it has been abated already because with the, I think it was February
27 rainfalls that we had this year. There was a lot of new growth that came up and so it has reduced it
28 and, but yes.

29 Ok. I want to just thank you very much for letting us provide information and letting us answer
30 questions and the opportunity to be in front of you here is appreciated. We just trust you'll make a
31 decision for the community. Thank you.
32

1 CHAIRMAN SCHAFFNER: Mr Heuberger, do you have any other comments before we move
2 forward?

3 PLANNING DIRECTOR HEUBERGER: Yes sir. Depends on how you want to move forward.
4 First of all, I haven't heard you ask the applicant if they agreed with all the conditions which you
5 typically do, Mr. Chairman..

6 CHAIRMAN SCHAFFNER: Yes, I need to do that.

7
8 PLANNING DIRECTOR HEUBERGER: And, that would be number one. Second of all, even if
9 they do agree with all the conditions, there were some comments made during this public hearing
10 today, that might warrant, or your Commission may want to either add as a condition, clarify the
11 condition. Early on, there was some questions raised about helicopters. For example, what are the
12 controls, those. There was a discussion about midway through about the process. Mr Lyon
13 referred as filing with LAFCO, to form a Special District. Some of that is not very clearly
14 reflected in the conditions. So, at the very least, from a staff position, we'd want to go through
15 those conditions and do a little clarification.

16
17 The other thing is, there were a number of documents introduced, early on in the meeting and
18 through the meeting, as I mentioned before the meeting even started. We need to inventory that
19 and have a clear record. So, I think part of what I'm recommending to you, is that if there are any
20 changes, number one, if there are any changes to the project conditions that your Commission
21 wishes to make, certainly we would need to know that. I'm phrasing this in the context if your
22 Commission decides to approve the project, of course.

23 CHAIRMAN SCHAFFNER: Will we have a motion or will we just have the Commission?

24
25 PLANNING DIRECTOR HEUBERGER: [interrupting] Well, like I said if you're inclined to
26 approve the project, then I would suggest a couple of things. First of all, that the, any changes or
27 additions to the conditions, you take as an action item independent, so that we would have
28 clarification as to what that is. And then, in the end, I would probably recommend that you
29 continue this for in two weeks, so that we can bring you all that back clean, with all the conditions
30 and everybody knows exactly what the terms are. Unless you want to spend some time going
31 through each one right now.

1 COMMISSIONER: Might as well spend the whole day...Right?

2 CHAIRMAN SCHAFFNER: The day's shot. Let me ask you while I have you here: You have
3 read the entire project. Do you agree with all, everything as it was presented?

4
5 LYON: Yes, all 40,000 pages. Yes, I do. And I've read conditions of all the applications we've
6 made. There's two Conditional Use Permits, there's Zone Change, there's General Plan
7 Amendment, there's a Tentative Map. Uh, we've, I've read all those conditions and yes, we agree
8 to those. And, if I'm correct Jurg, there's probably only two that we're needing to modify and it's
9 in the Specific Plan about forming the utility district through LAFCO. It's a statement in there, it
10 just needs to carry over as a condition onto the Tentative Map, yeah, onto the Tentative Map or
11 the Tract Map.

12 PLANNING DIRECTOR HEUBERGER: Well there were several things mentioned that, or were
13 questioned, and then mentioned and discussed by you or Mr. Brandon or Brandon Webb, excuse
14 me, that things you would do. But, I don't recall, and maybe staff will correct me, know if these
15 are actual conditions. For example, you indicated that there would be a medical officer or medical
16 person on site and available to the community.

17
18 I don't see this in the conditions. I don't question that you're willing to do that. But, again, as
19 you know I have to look at it from the enforcement standpoint and look at it for how do I resp,
20 how does my staff or some future staff respond, well I went down there and they wouldn't see me.
21 And where would the County be as far as enforcing those so called agreements that you made on
22 the record, I admit. But again, if the Commission wants to make those as part of the approval
23 process, then we need to put some writing down in, as the commissioners said earlier, in black
24 and white., I think, well, and the Chairman said it also. ...

25 And then, the Chairman had asked, said he also wanted some clarification about landing,
26 helicopter landing pads being available for emergency use. And while , again, it's in the
27 discussion, it's not specific conditions, in the context that he phrased, that they would be available
28 pretty much immediately upon demand.

29
30 Those are the kinds of things I'm talking about, Jeff. I'm, just...

31 LYON: Right. That was one of the things. I was going to mention that. , FAA approval, flight
32

1 path. We currently have a requirement in there for the FAA approval and to notice the County
2 within so many days of the approval, and all those things. . The additional statement would be “in
3 the flight path shall be”and we have that language.

4 COMMISSIONER: We have any changes or additions to those conditions?

5
6 COMMISSIONER: There’s about three or four conditions that would be added. Are there any
7 discrepancies between the Tract Map and the Special Plan?

8 LYON:: The Specific Plan? No, the Specific Plan states that we will have the EMT trained
9 personnel on site, and the, and I think one of the requirements, er, the conditions requires that we
10 comply with all portions of the Specific Plan. But like Jurg said, it’s good to itemize those. But
11 they’re, they’re part of the plan. Something we had talked about doing in the plan. We just to bring
12 those forward and put it in as a condition. I mean if we have the list right now, we can add. I
13 don’t think it’s a very long list, if we are able to do something like that.

14
15 COMMISSIONER GADDIS : I have one more question just because I forgot to bring it up
16 earlier. That’s the transportation of ammunition. Is everybody going to bring their own
17 ammunition, or provided with the weapons there on site?

18 LYON: It would be a combination of both of those things. And that is in the Specific Plan also.
19 That came up as hazardous materials on site. And, there’s a locked locker, a locked ammo locker,
20 which is standard on most facilities like this, and so ammunition, that is on site. It’s put in a
21 locked container. It is inaccessible. And then they can keep an inventory of it. Any user that brings
22 something on site would have to put it in the locked container, unless they’re just using it that day
23 and they have it. Then, like the local law enforcement people would be able to come for the day,
24 and they can bring their own ammunition, they can shoot, and then they can go home at the end of
25 the day. But anything that is kept on site overnight and stuff, they must put it in the locked ammo
26 locker.

27
28 COMMISSIONER GADDIS: Your n normal protocol then is they can bring your own
29 ammunition, private individuals can bring their weapon, and their own ammunition?

30 LYON: Yes, in fact, one of the conditions as part of the development agreement, is one of the
31 community benefits is that we open up the facility to the public for free four times per year,
32

1 quarterly. So we can open it up fro a weekend. Provide training for the weekend, and we provide
2 access to the ranges so they can shoot, and that would be free to the public. And, also available to
3 the Imperial County Sheriff's Department to have free training on those, and that would be eight
4 days a year, so quarterly for a weekend.

5 HEUBERGER: Sounds like you're reading that..

6
7 CHAIRMAN SCHAFFNER: Are you prepared to go down the conditions now, or do you want to
8 go do the inventory of the information that we were given first and get that out of the way?

9 HEUBERGER: Well we need to do both. Do either one. Maria, you should have a copy of every
10 document that was handed out.

11
12 CHAIRMAN SCHAFFNER: Make sure everybody got one of everything?

13 COMMISSIONER GADDIS (?): Are we, are we going to postpone it for a couple of weeks,
14 Rudy? Are we going to postpone it a couple of weeks?

15
16 CHAIRMAN SCHAFFNER: Well, we gotta make sure. Let's do the inventory, the information
17 we got today to see if everybody got everything that was handed out. And get that out of the way,
18 so we know where we're at. Make sure. Then we can look at the specific conditions. If there's
19 only two or three of them, then we can just hack 'em out now. These people came a long ways.
20 Gave up their whole day.

21 COMMISSIONER: Can we have the.....? We have the time, the petition We already looked at it.
22 We got that, the study, and we got that and we got that, etc.

23
24 COMMISSIONERS: Yeah., yup. Got that?

25 CHAIRMAN SCHAFFNER: Got this? Yes.

26
27 HEUBERGER:: Excuse me a minute. Wanna name 'em? We don't have a video, okay, so this
28 and that don't mean anything, when we go to transcribe it okay. When we go to court. I can't say,
29 your Honor, this meant that and that meant this , meant this. It's very hard to do that. [laughter
30 from commissioners and public]. If you would kindly read the heading of the letter and the
31 document date.
32

1 COMMISSIONERS: OK,
2 CHAIRMAN SCHAFFNER: Okay, as they call them out, if anybody doesn't have it, let us know.
3 Speak up. Otherwise we will say we do have it
4
5 MARIA SCOVILLE: OK, I've got mitigation measures, suggestions.
6 HEUBERGER: That's the one with EH on it. Date.
7
8 SCOVILLE: Yes, that's Edie Harmon's.
9 COMMISSIONERS: Got it ,got it, Yes...
10
11 HEUBERGER: Heading and if there's a date on the document, and also the date.
12 CHAIRMAN SCHAFFNER: Oh, good.
13
14 COMMISSIONERS: Got it, got it, yes, yes.
15 CHAIRMAN SCHAFFNER: Let the record show many hands went in the air. [lots of laughter
16 from Commissioners.]
17
18 SCOVILLE: I've got comments from the Desert Protective Council and I believe this is from Edie
19 Harmon also.
20 COMMISSIONERS: Got it. Yes. Is there a date on it?
21
22 SCOVILLE: August 11, 2010.
23 COMMISSIONER: Got that one too.
24
25 SCOVILLE: Exhibit 599A. This is also from Edie Harmon. It has no date. Exhibit 599 with the
26 map.
27 COMMISSIONER: Yeah, it's here somewhere.
28
29 COMMISSIONER: Oh, It's attached to the graph. Mine's attached.
30
31 SCOVILLE: Does everybody have that?
32
33 COMMISSIONERS: Yes, I don't have it. Graph, they're attached. Got an extra lone? Okay.

1 (Everybody had)
2 SCOVILLE: We've got a USGS Google map –
3
4 COMMISSIONER: Yes.
5 COMMISSIONER: I don't got that one either.
6
7 SCOVILLE: Draft Conditions for Coyote Wells Community.
8
9 COMMISSIONERS: Got it now. Yes.
10
11 SCOVILLE: Tract Map 00985 – Coyote Wells
12
13 HEUBERGER: Maria, the last one you just said is what?
14
15 COMMISSIONER: A google map
16
17 SCOVILLE: It was a US..
18
19 HEUBERGER: The next one, whatever it was?
20
21 SCOVILLE: The Tract map?
22
23 HEUBERGER: Whatever you are reading
24
25 SCOVILLE: This is for the Coyote Wells Gated Community. Draft conditions for Tract Map
26
27 00985 -
28
29 HEUBERGER: The date on it?
30
31 SCOVILLE: No date on it.
32
33 CHAIRMAN SCHAFFNER: Page one.
34
35 HEUBERGER: Was this the one handed out this morning?
36
37 CHAIRMAN SCHAFFNER: Yes. That's with the minor changes, I believe.
38
39 SCOVILLE: Do you want me to date it? Today's?
40
41 HEUBERGER: Yes., number 1. David. Is what she just read , Is this the latest version of the
42

1 conditions that Jeff's agreeing to?
2 SCOVILLE: Yes.
3
4 HEUBERGER: Those changes were made this morning. Just double checking.
5 COMMISSIONER: You just work here, huh?
6
7 HEUBERGER: Yeah, Not for long, Thank God.
8 CHAIRMAN SCHAFFNER: You, can come back to that one at the end here. [laughter] Continue
9 with these.
10
11 HEUBERGER: Yeah, you can go through the other documents.
12 SCOVILLE: The next one is Imperial County Development Agreement Concerning Coyote Wells
13 Community Plan. No date on it either.
14
15 COMMISSIONERS VOICES: yes, yes, okay, got that. Jeff, do you have that too?
16 SCOVILLE: Wind Zero Coyote Wells Specific Plan. This is the slide show that was given by
17 Wind Zero.
18
19 COMMISSIONERS: yes, yes.
20 SCOVILLE: Wind Zero Letters of Support.
21
22 COMMISSIONERS: Yes, yup, got it.
23 SCOVILLE: The next one is also a map, I believe this is for the burial sites, Figure 25-0-12.
24 Cultural Resource Impacts,
25
26 COMMISSIONERS: I never got it, I never got it. Yes, Yes.
27 SCOVILLE: And a comment letter from the Quechan Indian Tribe dated August 4th. I think that
28 was all.
29
30 COMMISSIONERS: Yes, got it, got it.
31 CHAIRMAN SCHAFFNER: Yeah, the other one was a letter handed out by V. Chandlee.
32

1 [laughter from another commissioner] This letter. [more laughter from Commissioners]
2 COMMISSIONER: Candlee? Is that what you are talking about?
3
4 SCOVILLE: Yes.
5 COMMISSIONERS: got it, yes...
6
7 CHAIRMAN SCHAFFNER: Which was the first condition that we wanted to address?
8 HEUBERGER: First I want to make sure we're on the same document.
9
10 COMMISSIONERS voices: 00985. This is the new one. It has no date on it. Sure. [faint voice]
11 Put that right in there. Bunch of trays. Yep.
12
13 CHAIRMAN SCHAFFNER: We got more than enough up here.
14 COMMISSIONER: You wanna borrow mine? [Long pauses hear shuffling of papers on audio,]
15
16 COMMISSIONERS: Identify, not really. Yes.
17 COMMISSIONER: Made a motion and cancelling that.
18
19 HEUBERGER: What are we waiting for? [Voices very soft and away from microphone., difficult
20 to understand.] They're reading. This document here. There's no date on that. Which conditions
21 do we need?
22 [lots of mumbling away from microphones, mostly incomprehensible.]
23
24 CHAIRMAN SCHAFFNER: Mr Heuberger, shall we take a five minute break while we sort that
25 out ?
26 HEUBERGER: That would be nice.
27
28 CHAIRMAN SCHAFFNER: : Yes, let's take a 5-10 minute break while we're sorting this out up
29 here. We're trying to do everything right if at all possible..
30 HEUBERGER: OK, if we're not going to continue this, here is the list I have that I understand is
31 from staff that we have. One has to do with helicopters, both hours of operation as well as
32

1 useability of the helipads and overflight restrictions, if I recall the discussion correctly. Second ,
2 not in order, but second is the formation of the special district for the public utilities, sewer and
3 water.

4 Third is the ENT availability for outside of the project area use or use, ... however you want to
5 put it. [in response to an unintelligible comment from a Commissioner] It's up to you, but I would
6 assume so. Life Flight helipad availability kind of goes back to helipad use.

7
8 Phone number being posted or something to that effect, on the gate if I recall correctly.. The FAA
9 Flight plan that I guess ties back to the helicopter use. The... I have some concerns with the
10 language on a couple of conditions relative to the adjoining airport, excuse me the airport runway ,
11 . It's a runway. It's not an airport.

12
13 There's a condition that talks about free public training in the document that you should now
14 have. I believe it's three weeks aggregate. We need to change that to read "aggregate". That's
15 different than Jeff Lyon indicated, but my understanding is that they'll agree to that.

16 And, there's a question about helipad lighting, because right now, the conditions say that there
17 shall be no lighting which makes 'em difficult to use at night.. There may be a conflict with
18 FAA, but I'm not sure on that one.

19
20 Though, these are sort of generally speaking, the areas that I think, counsel and the staff wrote
21 down during the testimony and so we need direction on those. .The other thing is, whatever
22 changes you make on the conditions, also, have to then be reflected, in the, not all of them, but
23 some of them have to be reflected in the Development Agreement.

24 COMMISSIONER?: The one open area , I think, is whether or not there will be lighting on one or
25 more of the helipads.

26
27 HEUBERGER: If you intend to make them useful for Life Flight type uses other than daylight
28 hours, there's a concern staff has about lighting, certainly.

29 CHAIRMAN SCHAFFNER: Why would we not like light the helipad?

30
31 HEUBERGER: I'm just telling you, the condition right now, says there shall be no lighting. If
32

1 you want it for 24 hours a day, from what I understood from your question. Safety?

2 CHAIRMAN SCHAFFNER: I'm just asking why someone wouldn't ...

3
4 WEBB: Typically, what I've seen happen, and I've done a couple live medevacs at night, is what
5 happens is if it's a situation where they're landing at night, we have chem lights available. So we
6 just go out and light the pad for helio crews. So it's just a situation that would occur at night,
7 we....

8 CHAIRMAN SCHAFFNER: I was just concerned

9
10 WEBB: That was a major reason we tried not to have lighted areas.

11 CHAIRMAN SCHAFFNER: For the impact. OK.

12
13 HEUBERGER: As I said I suppose that these are the ones you need to provide direction on,
14 because there is confusion as to how you want it. Though they are in different parts in the
15 documents. You have conditional use permits for the water wells and for the heliport runway that
16 need modifications to conditions, and then you have conditional use for the water wells, or Airport
17 runway that need modifications to conditions, then the Tract map conditions, so which ever one we
18 want to do first.

19 CHAIRMAN SCHAFFNER: It's on top of your pile.

20
21 HEUBERGER laughing: Which pile do you want to start with?

22 CHAIRMAN SCHAFFNER: he shortest one.

23
24 HEUBERGER: The shortest one? Then let's start with the CUP 0830, which I believe..... That's
25 the shortest one I believe. No I got it wrong. That's the wells

26 Let's stop with

27
28 HARMON: Excuse me, don't you have to consider whether or not the final EIR is adequate before
29 you make a decision on anything else?

30 HEUBERGER: We're not making the decision on approving these yet.. We're modifying the
31 conditions or at least that's my understanding to clarify conditions. T then we get back to steps we

32

1 outlined earlier,. We'll start with steps 1-7. The first one will be, Ms Harmon, will be the
2 certification of the EIR.

3 OK. On the helipads or on the . Excuse me. On the CUP for the helipads and the runway, one
4 of the things you wanted addressed, if I understood you correctly, was how the helicopters
5 operated and this is the project helicopters now operated during their training exercises. And you
6 were told there's going to be no more than twelve (12), no more than one per hour, and 12 per
7 day..And that is reflected in the condition as 10 . Nine right above it says: Helicopters will be
8 limited to 6 passenger aircraft in daytime use only. No heliport lighting. So, ... guess we might as
9 well start with that one. So you're saying you don't care about the lighting, so that's fine. That
10 condition's fine. OK. Thank you.. All right.

11
12 COMMISSIONER GADDIS: 24 hours a day.... Emergency, [most words inaudible]

13 CHAIRMAN SCHAFFNER: OK, Thank you.

14
15 HEUBERGER: OK, so then

16 CHAIRMAN SCHAFFNER: Right here where it said no helicopter stuff at night.

17
18 HEUBERGER: It says helicopters will be limited to six passenger aircraft. And I already asked
19 staff how we arrived at that, but that's immaterial at this point in time, because I'm not sure what
20 six passenger aircraft have to do with anything. But whatever, Daytime use only and no heliport
21 lighting.

22 CHAIRMAN SCHAFFNER: Day time use only, can you put in "except for medical evac"?

23
24 HEUBERGER: So, that's what I'm saying here, if I understand, continue. The helipads and the
25 helipads usage for the projects, I guess, project related use, will be limited to that. However,
26 emergency, non-project emergency aircraft, such as Life Flight or something like that.

27 CHAIRMAN SCHAFFNER: Evacuation, Medical Evac. 24 hours.

28
29 HEUBERGER: OK, Basically an exception, which deals with things like life flight and
30 emergency helicopter use. Now, ... does, ... well ... I was going to say does that include ICE?
31 But as far as I understand, the Federal government can do just about any damn thing they want to.

1 So don't think we have to worry about it.

2 CHAIRMAN SCHAFFNER: They'll tell you that, too.

3

4 HEUBERGER: They tell me that all the time. Yeah. [laughing] OK So then we go to helicopter
5 training will occur one to two times per month. However, hours of operations will coincide with
6 hours of operation of facility, additionally the landing area will be available for use for outside
7 emergencies, which condition is what you've modified. So we either modify this condition or
8 add a condition, however you want it in terms of the pattern. There was some concern about
9 hovering on the boundaries. There was some concern about overflight. Is there some direction,
10 or what did you have in mind?

11 CHAIRMAN SCHAFFNER: If you just say, you will not fly over local residences.

12

13 HEUBERGER: Uh, um

14 COMMISSIONER GADDIS: That was ...got to give us some specific information about it

15 [Unclear, too far from microphone.]

16

17 HEUBERGER: You have to get what?

18 COMMISSIONER GADDIS: [very faint voice] You've got to get a specific. Is that right, Jeff?

19 FAA.

20

21 LYON: Yes, that's correct. You have to give up.

22 HEUBERGER: Jeff: Come to the microphone and explain it. [laughter]

23

24 LYON: Well, you could just say if you're flying over local residences.

25 CHAIRMAN SCHAFFNER: Will, l the FAA allow them to fly over residences, or at what

26 altitude do you have to be to fly over residences?

27

28 LYON: In a rural area it's 500 ft. or where there's more than one rural residence, I think we're
29 like four we're something like that, then it's 1000 feet, and so there would be a requested flight
30 pattern that when you make the application to the FAA, and so they would have that as here is the
31 approved flight pattern, in and out.

32

1 COMMISSIONER GADDIS: [Inaudible]

2 LYON: Yes, it would be a document we submit. Then, of course, we'd have to show verification
3 of that to the Planning Department, to see it was done properly and the permit that came back from
4 the FAA,

5
6 HEUBERGER: Okay, I understand that. But my question is, what is the Commission's concern?
7 Do they only want them to come in a certain way? Because whatever you file, the staff is going
8 to say the FAA approved it. But if the Commission's intent is that you only come in from the East,
9 for example.

10 LYON: From the East and the North.

11
12 HEUBERGER: For sure?. That is what I am asking

13 CHAIRMAN SCHAFFNER: Are they going to approve that for you? Sure? [many voices same
14 time]

15
16 LYON: All the high winds or make a proper approach from the East and from the North East.
17 And those are uninhabited area. It's BLM ground and there's no residences out there.

18 CHAIRMAN SCHAFFNER: Can we say it does not go toward the residences? .

19
20 LYON: Which is to the West.

21 CHAIRMAN SCHAFFNER: Wouldn't it be better if we just excluded that...so they cannot come
22 or go over the residences... Can we say not come close to the residences. Then you can deal with
23 the FAA, whatever you

24
25 LYON: There's residences to the South and residents o the West of this. So we can approach
26 from the and depart from the East and from the North.

27 CHAIRMAN SCHAFFNER: Let's see. Egress and Ingress from anywhere but over the
28 residences, as approved by FAA.

29
30 HEUBERGER: OK. Uuum. If I can remember some of my pilot training, I'll try to put it in that
31 language. So something to the effect of, the applicant shall obtain and provide approval to the

32

1 County, excuse me, applicant shall obtain from the FAA, approval for approach and departure
2 patterns that are not over any of the residential areas in the community, primarily East and North
3 East. Is that what you were saying?

4 CHAIRMAN SCHAFFNER: Let the record show that he's nodding.

5
6 COMMISSIONERS: [laughing] That's a lot of exercise.....

7 LYON: I'm sorry. Yes. Yes, that's what I was saying.

8
9 HEUBERGER: OK So, Right. So we'll Just make that condition S-16, that the applicant will
10 provide documents to the County.....will provide FAA approved flight approach and departure
11 patterns or whatever you want to call it, restricted to the East and North East appearance to avoid
12 residential community...

13 COMMISSIONER: That's right, non-residential areas.

14
15 HEUBERGER: Did you also have...That takes care of that. There was some discussion earlier
16 about the on-site use. Was it... Oh, yeah. OK. We'll put an exception on there that Life flight can
17 come in anytime they want to?

18 CHAIRMAN SCHAFFNER: Yes. That's easy.

19
20 HEUBERGER: You guys have got to enforce this sooner or later.

21 CHAIRMAN SCHAFFNER: Because they're not going to know what the pattern is. They need to
22 know. They know the best way to do it.

23
24 HEUBERGER: I just don't want to get a call from, not me, but Jim or Minnick somebody's
25 going to get a call from a resident saying there flying over my house... and it's an emergency
26 aircraft, so.

27 LYON: And, Jurg, I think you were making a statement too that the training operation shall be
28 restricted to directly at the helicopter pad. That is put in?

29
30 HEUBERGER: That's what I'm asking right now is that one of the conditions will be that the
31 helicopter operations of the project are limited to the helipads. Right?

1 LYON: That's correct.

2 HEUBERGER: So you won't find them buzzing following the race track or hovering at the
3 property line?

4
5 LYON: Correct.

6 COMMISSIONER: That only happens at Plaster City.

7
8 HEUBERGER: Pardon?

9 COMMISSIONER: Nothing. Being a smart ass, that's all. [laughter]

10
11 HEUBERGER: OK. . Let's see, we have Life Flight. We have helicopter operations on site, and
12 we have the FAA approval. OK. So that, unless staff corrects me, or unless somebody else wants
13 to corrects me, that'll take care of 8-0030. That has to do with the No, that's not it. What's
14 the permit number for this one? The water well. [long pause with several voices]

15 831, That's it. CUP 08-0031 will have modified conditions just stated for the record. Is that the
16 consensus?

17
18 COMMISSIONERS: Yes. Yes.

19 HEUBERGER: OK. We'll come back to those. Oh! Yes? I want to make a correction on S-14.
20 S-14 currently reads, "the airstrip will not be built," and we discussed this, "the airstrip will not be
21 built until an agreement with Don Preston to extend his airstrip to Coyote Wells Specific Plan."
22 I'd like to take out the words "unless an agreement with Don Preston". Because, with all due
23 respect to Mr. Don Preston, like everybody in this room, we're not going to live forever, and so
24 I'd hate that ten years, somebody says, I can't get ahold of Don Preston, so can't proceed. So why
25 don't we say adjacent approved runway, to use the runway. I believe there's a CUP that covers
26 that one.

27
28 CHAIRMAN SCHAFFNER: Hm..

29 HEUBERGER: OK? Right. So we'll come back when we do the approval in sequence.

30
31 OK. Now we go to So, now we go to the conditions on the Tract Map, andfind all the
32

1 notes here... These are probably going to the jump through the document a few times. OK.
2 Condition 73. Operator of training facility shall provide up to three weeks per year, aggregate free
3 training at the firing ranges, to the Imperial County Sheriff's Department and the local cities.
4 There'll be some typo corrections, city police departments within the County of Imperial. So the
5 word "aggregate" is what the applicant wants to include on that. So that everybody understands,
6 that means there's three weeks of free training for all the police and the Sheriff Departments,
7 whether it's one day at a time or three consecutive weeks at a time, however.... Okay?

8 Then we go to hours of operation. I didn't see it in the document, or, excuse me, in the
9 conditions. We are going to include a condition that says hours of operation shall be from sunrise
10 to not exceed 10 pm. Is that not the language?

11
12 LYON: Yes, that's correct.

13 HEUBERGER: OK.

14
15 COMMISSIONER GADDIS: Will that include the work force out there at night ?

16 LYON: The ...Now to look back at the Specific Plan. We give the hours of operation in the
17 Specific Plan. Gosh, Remember, Brandon? The Hours of operation on the motor sports track -
18 are they the same as the training facility?

19
20 WEBB: Yes.

21 LYON: I think yes.

22
23 HEUBERGER: Ok, it's sunrise to 10 pm.

24 LYON: Yes.

25
26 HEUBERGER: OK.

27 [many soft voices in background] Numbers....

28
29 LYON: Yes, in the Specific Plan, it states the total number of personnel on site, employees,
30 participants. It breaks it down to weekdays, weekends, because it's different numbers for each
31 activity. It's all in there.

1 HEUBERGER: OK. So, hours of operation will be from up to 8 pm for the Fall. 10 pm Spring
2 and Spring to Fall. Fall to Spring, excuse me. 8 pm Fall to Spring; 10 pm, Spring to Fall.

3 LYON: Yes. That's what we provided in the Specific Plan.

4
5 HEUBERGER: I'll modify that? Yes? No?

6 LYON: OK

7
8 CHAIRMAN SCHAFFNER: Yes.

9 HEUBERGER: And Jeff, when you earlier said that you agreed to all the conditions, those were
10 the conditions that were handed to you just now, which has some, if they were on the computer
11 they'd be in red. But since we're not on the computer they were sort of italicized in smaller print.

12
13 LYON: Yes, Jim Minnick provided a copy to me and we've reviewed those and Yes, those are
14 acceptable.

15 HEUBERGER: Just to make sure we're on the same set of conditions. Okay, where's a ...
16 [shorting through papers] OK. I don't see a condition that we can add to, so we'll just create a
17 new condition that says that the emergency con.... The intent was to be able to contact the
18 Sheriff's office? Was that the discussion? There was a question about posting it on the door, or
19 the....

20
21 CHAIRMAN SCHAFFNER: Well, to contact the EMTs or anybody they need to help them out
22 there. Whether it's a combination of Sheriff, the EMTs or whatever, so people know in that area
23 who they can get ahold of to get help if they need it.

24 COMMISSIONER: The Sheriff's Office?

25
26 CHAIRMAN SCHAFFNER: Well, if I thought the Sheriff could get it taken care of it really fast,
27 I'd say yes. But....

28 HEUBERGER: Keep in mind, you can't presume that because there's an office there, somebody's
29 going to man it. So, it needs to be a phone number that somebody's going to answer. An answering
30 machine isn't going to do you a lot of good, assuming even if the Sheriff has answering machines.

1 CHAIRMAN SCHAFFNER: How about the number of the person on duty? They said there's
2 somebody there. It already says there's gonna be somebody there 24 hours, so.

3 HEUBERGER: Okay. So you want something that is a posted contact number. Posted at the gate
4 or place visible from the street, I guess. Also contact 24 hour...

5

6 COMMISSIONER: Emergency Response?

7 CHAIRMAN SCHAFFNER: That way you've got somebody on the inside that can give you an
8 answer if have a question or if you need help. Not contact some department in El Centro that
9 doesn't have a clue on what's going on out there.

10

11 HEUBERGER: Have a pen? Running out of ink.

12 CHAIRMAN SCHAFFNER: Too much writin'.

13

14 COMMISSIONER GADDIS: [unclear]

15 LYON: We're going to have a 24 hour a day Security Guard. I, I, you know, we haven't talked to
16 the Sheriff's Department about how they're going to staff the facility out there.

17

18 COMMISSIONER: To the security guard?

19 LYON: It's gonna go to the Security Guard, then he'll know what he has available and stuff, I
20 believe the Ocotillo Fire Department is now manned . Is that 24 hours a day, is that right?

21

22 HEUBERGER: Yes.

23 LYON: Okay, so I think we'll provide the numbers there at the Ocotillo Fire Department.. So, that
24 way, the members of the community can either go to the Fire Department or the Guard Station,
25 and then they'll contact somebody. If we have somebody on site, they can respond right then.
26 Otherwise we will refer the cal to , into the Sheriff's Department or

27

28 CHAIRMAN SCHAFFNER: That way, we can get things going. There's no confusion.

29 LYON: Yeah. Yep.

30

31 HEUBERGER: Okay, So, we have two more conditions I believe, if I can find where they went.

32

1 You put it , which stack of paper? Which one? This one? [almost inaudible] special dist? [long
2 pauses] OK. Condition 77. Ahhhh....Condition 77. Ahhhhh.... I don't know if it fits there, but had
3 another condition there where you mentioned a Service Area Plan....What's the condition I'm
4 looking for?

5 CHAIRMAN SCHAFFNER: In regards to what?

6
7 HEUBERGER: Ah, there was a condition that had some language that doesn't work, because
8 there is no such thing. 35?

9 CHAIRMAN SCHAFFNER: seen it?[many voices in background]

10
11 LYON: It will take about 9 months to be able to break ground after it's approved, because there's
12 a lot of engineering, detailed engineering design that needs to be done, needs to be, get clearances
13 from the Army Corps of Engineers, from the Water Board, from Environmental Health, from the
14 County Public Works Department, you know all the final mapping, all of that sort of thing. So I
15 would imagine about 9 months is what we have on our plan whenever it does get approved.

16 HEUBERGER: Okay. Page #. Condition #35: Project proponents will work in coordination with
17 County and LAFCO to provide the information necessary for LAFCO. and then it goes on to
18 conduct a municipal services review. All of that makes no sense because there is no such thing for
19 a non-existent district. So, my suggestion would be the project proponent will make an application,
20 and will work in coordination with County and LAFCO to create a special district for the purposes
21 of providing sewer and water, basically. Is that acceptable. Jeff?

22
23 LYON: Yes, I think it is sewer and water, lighting and landscaping, all the public utilities that
24 were and other in the Specific Plan, that's what we say we'll do. [interrupted many times by
25 Heuberger]

26 HEUBERGER: Okay. We'll modify 35. Then on 36, where it says, the last sentence. All sewer
27 infrastructure shall be designed in accordance with the County of Imperial service area plan
28 design criteria.. There is such thing. I would suggest that, "in accordance with all the applicable
29 laws".

30 LYON: That's fine.
31
32

1 HEUBERGER: I was going to delete, “with the County Imperial service area plan” because there
2 is none. We’ve never dealt with... OK. Uuuuuh. I believe that’s all the discussions that you... Oh,
3 there was a discussion that, or there was a discussion, and I believe Jeff or maybe Brandon
4 indicated that they would make their EMT available to anyone in the public. At least that’s what
5 somebody wrote down.

6 LYON: Yes, that’s correct.

7
8 HEUBERGER: How do you wanna, how do you wanna do that? Just, ahhhh...emergency medical
9 services ...on-site emergency medical services will be available to the community at large?

10 CHAIRMAN SCHAFFNER: Yeah, and I would say emergency, because you know, I don’t want
11 people going in there with

12
13 HEUBERGER: Yeah. He said he didn’t want to operate a clinic, but emergencies.

14 COMMISSIONER: And did that include ambulances?

15
16 HEUBERGER: I don’t know, did it?

17 LYON: We would have an ambulance on site when there’s actual motor sports or other training
18 activities going on. I don’t know if we’d have an ambulance on the rest of the time. If it’s there,
19 we certainly could send it.

20
21 CHAIRMAN SCHAFFNER: Ambulances like to give those rides. Make a lot of money on those
22 rides.

23 VOICE: Attorneys.

24
25 HEUBERGER: OK. Ernie didn’t like the “community at large”..... Would like to restrict it to the
26 Ocotillo, Ocotillo/Nomirage Community. Afraid that Winterhaven would take advantage of this.
27 I think that’s okay , but she doesn’t, so

28 WOMAN’S VOICE: What ever you want.... Within ten to fifteen miles make you happy?

29
30 CHAIRMAN SCHAFFNER: I think that’ll take care of itself.

31 HEUBERGER: I think we could even say that Ocotillo/Nomirage Community is a defined area.
32

1 Or we could even say the Ocotillo/Nomirage Community Plan area....because it definitely has
2 boundaries. OK. Anything else?

3 COMMISSIONERS: Unintelligible.

4
5 HEUBERGER: OK. Huh? No, I'm not going to even think about it tonight.

6 VOICES: Unintelligible.

7
8 HEUBERGER: OK.. OK. I believe those are it. That's the best as we can do. h, again,
9 clarification from counsel that any condition that will be modified or potentially modified in the
10 draft conditions or in the draft conditions from the Tract Map, or the draft conditions that we
11 talked about CUP draft 08-31 will have to be consistent in the development agreement and without
12 rewriting the development agreement while you all sitting here, I'm going to take your motion to
13 approve or deny the project given the approval you give us to do that.....

14 COMMISSIONER: Very good.

15
16 HEUBERGER: OK. So, going back to what Ms Harmon pointed out is, if you're going to take an
17 action, you have to do it in a certain order. And the first of which would be to certify that the EIR
18 was prepared meeting the standards they are required to meet. You will have duly considered it in
19 your deliberations.

20 CHAIRMAN SCHAFFNER: These are in correct order? We'll start with #4 and go through that
21 way?

22
23 HEUBERGER: Yes, I believe, let me check the agenda. I believe so. Well, I know the
24 certification was the first one. That was Number 4. Then we will have the Specific....The Specific
25 Plan doesn't change. Zone Change, Hazmat. Conditional Use, Conditional Use.....First
26 agreement.

27 OK. Yeah, it's in the order of the agenda. 4, 5, 6, 7, 8, 9.

28
29 VOICE: Jurg, just to clarify,. Agenda Item 6 has been modified.

30 HEUBERGER: Right.

31
32

1 VOICE: 7 has not. 8 has.
2 PLANNING DIRECTOR HEUBERGER: Right. Uuummm.
3
4 LYON (?) :Conditional Use Permit, Agenda Item 9. Conditional Use Permit 08-0030 was not
5 modified, or has it been?
6 HEUBERGER: Not modified.
7
8 VOICE: The next one has been modified.
9 HEUBERGER: 31 has been modified. Correct
10
11 VOICE: And, Number 11 has not been modified?
12 HEUBERGER: Well, No. 11 has not been modified, but it will be, to be consistent with the other
13 changes that you've changed in the documents, so yes. Thank you.
14
15 VOICE: Very good.
16 CHAIRMAN SCHAFFNER: Agenda Item #4.
17
18 COMMISSIONER KALIN: I'll make a motion to recommend certification in the draft final EIR
19 as presented.
20 COMMISSIONER HERRERA: Second.
21
22 CHAIRMAN SCHAFFNER: Moved and Seconded .for Approval. Call role please.
23 SCOVILLE: Reading the roll and Commissioner responses. Schaffner, Yes; Kalin,, es; Bergh,
24 Yes; Cababas Yes; Gaddis; Yes. Herrera: Yes; Niver Yes; Roben Yes.
25
26 COMMISSIONER KALIN: I'll make a motion to, ah, ah,
27 HEUBERGER: Approve General Plan Amendment
28
29 COMMISSIONER KALIN: Approve General Plan #08-003 as submitted.
30
31 COMMISSIONER CABABNAS: Second.
32
33 CHAIRMAN SCHAFFNER: Call the role please.

1 SCOVILLE: Calling the roll with responses: Schaffner, Yes; Kalin, Yes Bergh, Yes Cabanas,
2 Yes; Gaddis Yes [inaudible]; Herrera, Yes; Niver, Yes ; Roben Yes.

3 HEUBERGER : Just for clarification and again for the record, and a, we could do this one of two
4 ways. One is to you here until 5 at least. The other is to keep you till midnight, but when you make
5 the motions, and going back to what you did earlier, then the first motion that you made on the to
6 certification of the EIR, there were actually findings that are included in that. , I'm going to take
7 Mr. Kalin's motion to include that you're certifying the final impact reports and making the
8 appropriate findings that are listed in the staff reports.

9
10 COMMISSIONER KALIN : That was my motion, yes. Thank you.

11 HEUBERGER: Okay. The same with the General Plan Amendment. There are specific items
12 listed in your project report, that indicate you're approval of # 4 or #5, or 6, depending which one
13 you're on with my recommendations.

14
15 COMMISSIONER KALIN : That was my motion, Yes. Thank you.

16 HEUBERGER: Okay.

17
18 CHAIRMAN SCHAFFNER: Agenda Item #6.

19 COMMISSIONER KALIN : I'll make a motion to recommend approval of Specific Plan 08-0001
20 as modified.

21
22 COMMISSIONER CABANAS: Second

23 HEUBERGER:: And with wording per staff recommendations.

24
25 COMMISSIONER KALIN: Staff recommendations.

26 CHAIRMAN SCHAFFNER: Move was seconded for approval. Call the role please.

27
28 SCOVILLE: Schaffner Yes, Kalin Yes, Bergh; Yes; Cabanas, Yes: Gaddis, [inaudible] Yes (?),
29 Herrera, Yes. Niver Yes., Roben Yes.

30 CHAIRMAN SCHAFFNER: And item Number #7.

31

32

1 COMMISSIONER KALIN : I'll make a motion to recommend approval of zone change 08-0003
2 as submitted and as recommended by staff.

3 COMMISSIONER HERRERA: Second

4
5 CHAIRMAN SCHAFFNER: Moved and Seconded for approval. Call the roll please.

6 SCOVILLE: Schaffner, Yes; Kalin Yes; Cabanas Yes; Gaddis, [inaudible] Yes (?); Herrera Yes:
7 Bergh Yes; Niver Yes; Roben Yes.

8
9 CHAIRMAN SCHAFFNER: And Item #8.

10 COMMISSIONER KALIN : I'll make a motion to recommend approval of Tract Map #00985 as
11 submitted and modified and as recommended by staff.

12
13 COMMISSIONER CABANAS: Second

14 CHAIRMAN SCHAFFNER: Moved, Seconded for approval. Call the roll please.

15 SCOVILLE: Schaffner, Yes; Kalin Yes; Cabanas Yes; Gaddis [inaudible] Yes(?); Herrera Yes:
16 Bergh Yes; Niver Yes; Roben Yes.

17
18 CHAIRMAN SCHAFFNER: And Item #9.

19 COMMISSIONER KALIN : I'll make a motion to recommend approval for Conditional Use
20 Permit # 08-0030 as submitted and as recommended by staff.

21
22 COMMISSIONER CABANAS: Second

23
24 CHAIRMAN SCHAFFNER: Moved and Seconded

25 SCOVILLE: Schaffner, Yes Kalin Yes; Cabanas, Yes, Bergh, Yes, Gaddis [inaudible] Yes(?);
26 Herrera, Yes Niver Yes , Roben Yes

27
28 CHAIRMAN SCHAFFNER: Agenda item Number 10.

29 COMMISSIONER KALIN : I'll make a motion to approve 08-0031 as submitted and
30 recommended by staff.

31
32 COMMISSIONER CABANAS: Second

1 SCOVILLE: Schaffner, Yes, Kalin, Yes; Bergh Yes, Gaddis Yes, Cabanas Yes, Herrera Yes;
2 Niver, Yes. Roben Yes

3 CHAIRMAN SCHAFFNER: Number 11.
4

5 COMMISSIONER KALIN : I'll make a motion to approve the developers agreement as
6 submitted and as modified necessary for consistencies as recommended by staff

7 COMMISSIONER HERRERA: Second
8

9 CHAIRMAN SCHAFFNER: Moved and Seconded for approval. Call the roll, please.

10 SCOVILLE: Calling the roll with responses. Schaffner, Yes Kalin Yes; Bergh, Yes, Cabanas
11 Yes... Gaddis,[inaudible] Yes;(?) Herrera, Yes, Niver, Yes, Roben Yes...

12
13 HEUBERGER: OK. Items 4-11 all stand approved with recommendations by the Imperial County
14 Planning Commission. Since these items require Board action, specifically the General Plan
15 Amendment, the Specific Plan adoption, the Zone change, the Tract Map Approval and the
16 Development Agreement, not necessarily the CUPs, however since they are an integral part of it,
17 all of these will be forwarded to the Board of Supervisors with a recommendation from the
18 Commission.

19 There is an appeal period of ten days from today's date that anyone wishing to appeal this
20 matter to the Board of Supervisors may do so by filing an appeal to the County Planning and
21 Development Services Department along with the requisite filing fee. But it has to be done within
22 ten days from today's date. However, my suggestion would be that you can save yourself the
23 money because it will be automatically forwarded to the Board, but you can certainly file an appeal.
24

25 CHAIRMAN SCHAFFNER: Do you have any discussion items?

26 **END of Imperial County Planning Commission August 11, 2010 Public Hearing re Wind Zero**
27

28
29 ++++++

30
31
32

1 **Declaration of Edie Harmon**

2 Re: Transcript of Imperial County Planning Commission Hearing for August 11, 2010 re Wind
3 Zero/Coyote Wells Specific Plan Project
4

5 I, Edie Harmon, declare as follows:

6 I have reviewed the audio CD provided by the Imperial County Planning Department for the Planning
7 Commission of August 11, 2010, for which the initial transcribing was done by Susan Massey, Ellen Shively
8 and Virginia Chandlee. I have made changes and additions to earlier drafts and believe that this transcript is
9 an accurate transcript of the audio CD. I declare under penalty of perjury, under the laws of the State of
10 California, that the foregoing is true and correct to the best of my knowledge.
11
12

13 Dated: December 10, 2010

_____ s/

EdieHarmon_____

14
15
16 At: Ocotillo, California

Edie Harmon