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Antelope Acres Town Council

aatowncouncil.org

November 26, 2013

Thuy Hua
Los Angeles County Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Re: Response to the Renewable Energy Ordinance.

Dear Thuy Hua,

Please find enclosed the response of the Antelope Acres Town Council to the Renewable Energy Ordinance.

Due to time restraints with other projects we did not have enough time to complete this response and would like some additional time to submit further comments.

As this ordinance is an ongoing project we would like to work with you at different stages along the way.

Sincerely,

Robert Kerekes
Pres. AATC

Dear Ms. Hua,

My name is Julie Schuder. I am an Antelope Acres resident and a member of the Antelope Acres Town Council. I am writing this response to the Draft Renewable Energy Ordinance on behalf of myself and my family, friends and neighbors who live in Los Angeles County.

"Theoretically, the primary purpose of zoning is to segregate uses that are thought to be incompatible. In practice, zoning is used to prevent new development from interfering with existing residents or businesses and to preserve the "character" of a community." -Wikipedia

The draft renewable energy ordinance dated October, 2013 addresses the visual impact and impacts to birds and bats, aviation, and even the public's view of the ocean. Nowhere does it mention the effect on HUMAN LIVES. Los Angeles County residents depend on zoning and planning officials, to make the health and safety of the County's residents the first priority when drafting any ordinance that would permit the construction of utility-scale renewable energy facilities near our homes. We are asking you to prove that the health and safety of every resident, including those who live in rural areas, is your first priority by considering the cumulative effect that the construction of numerous utility-scale facilities near existing habitable structures will have on human lives. It is your moral duty to protect the residents of Los Angeles County first and foremost. That responsibility cannot be overlooked or taken lightly. You are our only line of defense. Please put yourself in our shoes if only for a moment as you consider our areas of concern, detailed below.

- RE: 22.52.1610
- A. The provisions must apply to publicly-owned companies including Southern California Edison in addition to privately-owned companies.
- B. Exemption
- No utility-scale renewable energy facility should be exempt from laws that govern the construction of such a facility. Construction of utility-scale renewable energy facilities must stop until laws governing such activity are put into place. Los Angeles County is admittedly new to handling projects of this size and scope, and premature approval of large scale projects has already been linked to serious health hazards and property damage in Los Angeles County. Residents believe that repeating those mistakes will create more devastating results, as many of the requirements for utility-scale facilities in the draft ordinance look shockingly similar to those that were implemented and failed at AVSR1. A moratorium must be put in place immediately to protect the health and safety of Los Angeles County residents. San Bernadino county halted construction of utility-scale projects until they had provisions in place to assure safe construction practices, and we are asking that you do the same. Please freeze the approval process of all construction of utility-scale renewable energy facilities until the ordinance has been written into law. It is crucial that a proven dust control plan, codes,

regulations, and requirements be put in place before any additional projects are approved. Should additional projects be allowed to progress through the approval process without applicable laws in place to protect residents, Los Angeles County would blatantly be putting those residents' health and safety at risk.

- RE: 22.52.1660

- E. Setbacks
- There is no mention of an acceptable distance being established between utility-scale renewable energy facilities and existing habitable structures. Please protect residents' health, safety and property values by requiring a minimum distance of at least 1/2 mile between utility-scale renewable energy facilities and existing habitable structures.
- The cumulative effect of numerous utility-scale facilities in close proximity to one another would be detrimental to the health, safety, and property values of nearby residents. Please protect residents by establishing a minimum distance between utility-scale renewable energy facilities.

- G. Site Disruption
- Many of the recommendations listed herein have proven unsuccessful in recent utility-scale renewable energy projects. We feel that there is too much wiggle room, and that major changes must be made to prevent a reoccurrence of the sand storms that Los Angeles County residents suffered last spring. Please protect us from conflicts of interest that might allow financial gain to come before residents' health and safety, by requiring consultation with an outside agency to create suitable site-specific fugitive dust mitigation measures to be employed in pre-, during, and post- construction phases. The Fugitive Dust Mitigation Plan shall detail the fugitive dust control process including windbreak vegetation, berms, furrowing, and installation of a long -term irrigation infrastructure. Such agency shall provide ongoing monitoring of site, including air quality, and make necessary modifications to the plan going forward, to ensure fugitive dust control. The unbiased professional opinions of specialists from outside agencies (not employed by the County or the renewable energy company) are crucial in maintaining a healthy living environment for Los Angeles County residents. Consultant must be an independent contractor and shall have no relationship or shared staff or control interest with involved parties including the builder or any government agency. Should Dustbusters' scientists be employed to assist with dust mitigation, they must first prove that they operate a legitimate independent company, and that none of their management or employees are also employed by any government agency.

- The following are specific items that we would like to address in "Site Disruption", listed by subsection:
- 1. The first sentence states that "removal of existing vegetation shall be minimized to the greatest extent possible". Please provide a specific requirement such as an acceptable percentage.
- 2. "The project shall be designed to minimize erosion, sedimentation, or other impacts to the natural hydrology and drainage patterns of the site." This vague statement does not detail requirements specifically. Please require the ability to return site's erosion, sedimentation and other impacts to pre-construction levels, in-

stead of using the word “minimize”.

- 3. Although the Project site would be subjected to minimal grading, the installation of the arrays would still require the use of vehicles, intense foot traffic, and the possible use of dust palliatives, all of which could result in a decreased potential for vegetative recovery through changes in soil structure and trampling of vegetation. The soil will be prone to erosion unless proven preventive measures are put in place.
- 4. Construction activities at current utility-scale renewable energy project sites were linked to several dust storms last spring, and Los Angeles County residents believe that allowing the disturbance of such large amounts of land during our extremely windy season would create the same hazardous conditions again, thus putting our health and safety at risk again. Please protect Los Angeles County residents by taking steps to prevent future potentially deadly dust storms caused by the severe wind events that are documented every spring in the Antelope Valley. Please ban construction of utility-scale renewable energy facilities in the Antelope Valley between February 1 and June 30 of any calendar year, and require that disturbed soil be restabilized before February 1, as no amount of fugitive dust mitigation can keep unstable soil in place under such extreme wind and draught conditions.

- I. Visual Impact
- The Antelope Valley currently has numerous scenic routes and trails that have been proposed but have yet to be formally established or identified in the General Plan, Area Plan, or Community plan. Please require the preservation of the few scenic areas that Antelope Valley residents have left to enjoy by freezing the approval process of all construction of utility-scale renewable energy facilities until the process of designating scenic routes and trails is complete, and all approved scenic routes and trails have been identified in the General Plan, Area Plan or Community Plan.

- (please add) Air Quality
- Please add a provision that addresses AIR QUALITY. Please require the ongoing monitoring of air quality both up and downwind of utility-scale renewable energy facilities in the Antelope Valley due to extremely high wind conditions and potential for fugitive dust. Please set acceptable limits, and require the modification of the Dust Control Plan if limits are exceeded.

- (please add) Site Maintenance
- Please require the inclusion of a SITE MAINTENANCE PLAN for utility-scale renewable energy facilities. Such plan shall include pre, during and post construction plans that address at least the following: access road maintenance, landscape maintenance including weed abatement and a long-term irrigation infrastructure to support windbreak vegetation and landscaping, cleaning and maintenance of equipment and fence maintenance.

- (please add) Water use
- Water is a precious resource in the desert. In Antelope Valley, we depend on Los Angeles County to safeguard our already lacking water supply from being consumed in huge quantities by utility-scale renewa-

ble energy facilities. Please require the use of reclaimed, non-potable water by utility-scale renewable energy facilities, and that it be trucked or pumped in from acceptable local resources.

- (please add) Mitigation
- Please include mitigation requirements for utility-scale renewable energy projects. Please require that mitigation land is set at 2:1, located 100% offsite, biologically comparable, located no more than 5 miles from the site, and adjacent to public or mitigation land. Please promote mitigation fund availability to local non-profit and grass roots organizations, to be used to mitigate effects of utility-scale renewable energy projects as necessary.

Please prove that the health and safety of EVERY resident is your first priority. We depend on you to protect us from hazardous conditions caused by unsafe construction practices. You are our only line of defense, and your responsibility to protect Los Angeles County residents cannot be taken lightly. Thank you for your time and consideration in this matter. Please call me any time at 530-740-3980.

Sincerely,

Julie Schuder
Council Member, AATC

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Response
To
Renewable Energy Ordinance
By
Robert Kerekes

We understand that this developing ordinance is in the very early stages and still needs much work. Initially we are not seeing much in the nature of specifics, but believe those specifics are a part of the process of producing a Renewable Energy Ordinance (REO).

We have seen so far way too much lip service as regards environmental safeguards, protection of wildlife, protection of the basic, existing character of the area, protection of the migratory bird corridor, protection of existing SEAs, and protection of the inhabitants.

What we see is all governmental services, and their allied agencies, leaning very heavily in favor to establish utility sized renewable energy at all cost and that in doing so have put everything else of consideration at bay.

It has been, build the utility scale facilities and deal with the consequences later, or deny they exist, or do as little as possible.

From the very beginning no experts in desert ecology, wind erosion, wind control, soil ecology, wildlife movement, migratory bird support, rare and endangered species support have ever been hired and/or are a part of the planning and permitting process. We believe such experts must be a part of the environmental engineering necessary to solve current problems associated with construction of utility sized renewable energy projects, especially in the desert.

In an attempt to save on water usage, planting, irrigation and maintenance costs, the County and the Companies decided to not erect windbreaks and create viable, drought resistant indigenous ground covers within the facilities.

The results have been catastrophic. Certainly the after costs are much greater than the up-front costs. So to continue down the same path makes no sense. To continue to permit more facilities without first making these major changes also makes no sense.

We believe that if the environment were a real concern then a part of the process, at every level, would be a process of environmental engineering. With environmental engineering wind breaks would be the first element of construction at a facility, with seed and plant plantings done early on along with steps in the construction process.

We believe that wood mulches should be used early in the construction process as a way to reduce wind blown fugitive soil, to help condition the soil beneath, to help hold in moisture and to aid in the establishment of new plant growth, if the mulch is spread thinly enough.

Compacting of the soil during construction is a serious problem causing resistance to root growth and the establishment of plants. According to a technician from First Solar the soil at AVSR1 is compacted 85% under all solar arrays and 95% under all roads. That means that the soil is almost twice as dense as it would be normally. This condition inhibits the ability of the roots to move through the soil. Paths become paths for a reason. It also inhibits the ability of water to penetrate the dense soil. Add palliatives and water penetration becomes an even greater issue. Instead of being absorbed into the soil rain water, cleaning the panels water, will, instead, stay on the surface and become run off. That means we could see, under heavy rains, huge run-offs of water at every solar facility. The larger the facility, the greater the water run-off. And what will, over the span of 20 to 35 years, all that water carry with it? Palliatives, which will, over time, create ground water contamination. Herbicides used to control very hardy invasive plants such as wild mustard and Russian thistle. Pesticides to control run away pest, what ever they might be, instead of utilizing natural solutions because all the natural solutions have been destroyed.

In conventional farming one way used to aerate the soil is to plow it, and/or disc it. The use of heavy farming equipment compacts the soil so it must be aerated. Aeration happens naturally with the growth of roots, microbes in the soil and soil animals and insects, such as worms, moving through the soil aerating as they go.

Top soil is essential for the growth of strong, healthy plants everywhere. In the desert the top soil is a thin layer compared to more plant productive areas. Top soil is maintained by plant debris accumulating on the surface of the soil. The plant debris slowly decomposes and as it does so releases compounds utilized by soil microbes, fungi, insects and small animals. This, in turn, provides growing plants with essential nutrients. All of these processes in our desert communities are very slow.

When the desert soil is laid bare, by whatever means, and heavy winds occur, the top soil is the first to go. That top soil takes a very long time to regenerate in the best of conditions. We do not have the best of conditions.

And then we come to "decommissioning".

Pg. 1-20 **SECTION 1.** Section 22.08.040, Definitions (D), is hereby amended to add a definition to read as follows:

-- "Decomissioning" means the removal of a utility-scale renewable energy facility from service, which includes safe storage, dismantling, disposal, recycling, and site restoration.

Site restoration. First, to what will the site be restored to? Is it to be restored to whatever the surrounding conditions are? Is it going to be restored to what it was just prior to when the facility was constructed? Such details are lacking and need to be provided.

We believe the site should be restored to original, virgin, desert conditions. In other words it should not be restored to any former degraded condition. There is a trend to take de-

graded land and degrade it more. We want to see that trend reversed to where degraded land is regraded.

We believe that site restoration should be very detailed and the restoration should be to return the site into "desert grade", regardless of what the site was before construction of the facility.

On the 26th of October, 2013, at AV College, during the Ordinance presentation, Susan Tae addressed the issue of decommissioning and site restoration. Susan Tae stated that the site would be restored to original condition within six months. We would like to know where Susan Tae got that figure? Who is responsible for that, what is their expertise and how is site restoration to be accomplished?

Evidence to date indicates that site restoration in the desert is long term and very slow. Professor Michael F. Allen, Professor of Biology, and Plant Pathology and Microbiology at the University of California, Riverside, an expert in desert ecology, has stated that deserts are very slow to regenerate and take a hundred years, or more, to do so.

Details please, and who are your "experts"?

We believe that the State's and County's concerns, new Rules and Regulations, such as AB 32, to address Climate Change, Green House Gases (GHGs), and Increased Heat from Global Warming, should be implemented with the construction of any and all development, everywhere. That is especially necessary here in the desert with such huge projects.

As regards GHGs the effort is to reduce the release of such gases through the reduction of methods to reduce vehicle use, but also to reduce the emission of such gases through whatever means possible.

In addition would be reducing the amount of atmospheric carbon by sequestration. This is very important.

And in terms of heat reduction by the planting of trees, which have a cooling effect on the environment.

Professor Michael F. Allen, has done research on deserts and ascertains that deserts are a very important carbon sink. Desert plants tend to have deep roots that bring carbon into the soil where it is sequestered in various compounds but in particular as Calcium Carbonate. Make the soil barren and not only is the carbon sink lost but the barren soil becomes a Green House Gas Emitter. Further, whenever underlying layers of Caliche are exposed to the atmosphere they, containing huge concentrations of carbon, emit much higher levels of carbon into the atmosphere.

At this time much of the areas blown from this last windy season now have large areas of exposed Caliche. Such areas, abandoned farms, Edison's infrastructure, and solar array facilities, became exposed due to a serious lack of proper desert revegetation prior to an extreme drought. Where were the experts?

It seems rather foolish and futile and even very damaging to build solar array facilities for the purpose of reducing GHGs, while, at the same time, causing, at the facility, the loss of carbon sinks and the creation of carbon emissions.

Therefore we request that all developments, but especially renewable energy facilities, solar array facilities, be required to, from the land area being utilized, occupied, create vegetation that will sequester the quantity of carbon that would normally be sequestered by the same area of pristine local desert flora. We request that the same developments be required to reduce down, to as close to zero as is possible, the emissions of GHGs from any soil being barren and open to the atmosphere.

Such practices would be in accordance with State and County goals and would help to initiate those goals.

Considering all of the drawbacks to community, to environment, to wildlife habitat, and all the other arguments presented here against the installation of large scale solar array facilities we strongly advise against further creations of such facilities at all and feel that the much better, right direction to go is for diversified, rooftop solar panel generation.

Germany, the leading country for alternative energy production has been steadily, and very successfully, moving in the direction of diversified rooftop generation and away from large scale facilities.

Diversified generation delivers the electricity produced locally thus reducing the need for a destructive grid, or long distance delivery system.

We feel that energy spent on developing large scale solar facilities would be better spent finding ways to build systems over parking lots everywhere. Obviously such systems would require a larger and more expensive physical support system but would reduce other costs significantly.

Utility Scale Wind Turbines

Utility scale wind turbines are currently not supported by Los Angeles County and that is the way we would like it to stay. We feel the unanimous decision by the County Board of Supervisors to not permit utility scale wind turbines was the right decision.

The West Side Antelope Valley is a major migratory route for a great many birds as well as a globally recognized major bird habitat. We concur with the facts, recommendations and arguments put forth on this subject by Friends of Antelope Valley Open Space (FAVOS) as authored by Margaret Rhyne. We do not feel a need to regurgitate this information and indeed these arguments have been presented and represented over and over again to Planning and County.

In the interim more and more negative information keeps accumulating on the negative health and environmental effects of these systems. Bird and bat kills alone are very alarming and it would appear that it is becoming more accepting by relevant protection agencies to allow such kills, even of such scarce species such as the condor and eagles. This is a very disturbing trend.

Some developments in alternative wind systems that do not use spinning blades, or are designed differently to reduce impacts with flying species have come forth and will probably continue to come forth and we believe those developing systems should be explored.

Since Kern County has lined the north side of the West Side Antelope Valley with hordes of huge turbines and basically made that area a killing field for migrating birds then the south side of the Valley should become a protection zone to help insure the continued ability of migrating birds to migrate.

Small Scale Personal Use Wind Turbines

We basically support the use of such small scale wind turbines for personal and local use. Here again new designs keep coming forth that do not need tall posts, or supports, to put the system high enough to capture the wind. Such systems would not require the use of guy wires, which are basically invisible to birds and do their share of bird deaths.

Permitting costs need to be kept low enough to make it feasible to install such systems and the process needs to be simple.

Sincerely,

Robert Kerekes
Pres. AATC