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*Admitted in Colorado

October 8, 2020

VIA EMAIL AND U.S. MAIL

Mark Wardlaw, Director
Planning and Development Services
County of San Diego
5510 Overland Avenue
San Diego, CA 92123
Email: Mark.Wardlaw@sdcounty.ca.gov

Andrew Potter, Executive Officer
Clerk of the Board of Supervisors
County of San Diego
1600 Pacific Highway
Fourth Floor, Room 402
San Diego, California 92101
Email: Andrew.Potter@sdcounty.ca.gov

VIA U.S. EMAIL ONLY

Nicholas Koutoufidis
Email: Nicholas.Koutoufidis@sdcounty.ca.gov

Re: Request for Immediate Access to Documents Referenced in the Draft Environmental Impact Report – JVR Energy Project (SCH No. 2019039044, Major Use Permit No. PDS2018-MUP-18-022)

Dear Mr. Wardlaw, Mr. Potter, and Mr. Koutoufidis:

We are writing on behalf of **California Unions for Reliable Energy (“CURE”)** to request immediate access to any and all documents referenced, incorporated by reference, and relied upon in the Draft Environmental Impact Report (“DEIR”) prepared for the JVR Energy Project (SCH No. 2019039044, Major Use Permit No. PDS2018-MUP-18-022) (“Project”), proposed by JVR Energy Park, LLC (a subsidiary of BayWa r.e. Development, LLC). This request excludes any documents that are currently available under the Project’s name on the County of San Diego website, as of today’s date.¹

¹ Accessed <https://www.sandiegocounty.gov> on October 8, 2020.

The Project proposes to construct and operate a 90 megawatt (MW) solar energy facility and a battery energy storage system of up to 90 MW (180 megawatt-hr) on approximately 1,356 acres located within unincorporated southeastern San Diego County, within the Mountain Empire Subregion. The Project site is located adjacent to the community of Jacumba Hot Springs and the Jacumba Airport, and south of Interstate 8 (I-8).

Our request for immediate access to all documents referenced in the DEIR is made pursuant to the California Environmental Quality Act (“CEQA”), which requires that all documents referenced, incorporated by reference, and relied upon in an environmental review document be made available to the public for the entire comment period.²

My contact information is:

U.S. Mail

Sheila Sannadan
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080-7037

Email

ssannadan@adamsbroadwell.com

I will be calling you to arrange for review/duplication/transmission of the documents. If you have any questions, please call me at (650) 589-1660.

² See Public Resources Code § 21092(b)(1) (stating that “all documents referenced in the draft environmental impact report” shall be made “available for review”); 14 Cal. Code Reg. § 15087(c)(5) (stating that all documents incorporated by reference in the EIR . . . shall be readily accessible to the public”); see also *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 442, as modified (Apr. 18, 2007) (EIR must transparently incorporate and describe the reference materials relied on in its analysis); *Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3rd 818, 831 (“[W]hatever is required to be considered in an EIR must be in that formal report. . .”), internal citations omitted.

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Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Sheila M. Sannadan". The signature is fluid and cursive, with the first name being the most prominent.

Sheila M. Sannadan
Legal Assistant

CC: Darin Neufeld, Darin.Neufeld@sdcounty.ca.gov

SMS:acp