

East County Community Action Coalition

March 2010, Issue No. 7.

www.EastCountyAction.org

Inside this issue:

- What happened to those Community Council Meetings? 2
- Paragliders and Hang Gliders put in Harms Way 3-4
- Fatal Flaw in Fire Analysis of SPL 5-6
- LA says no to Green Path North 6
- Eminent Domain Refresher 7-9
- The Future of ECCAC 9

Invite ECCAC to speak to your organization's board, club, or neighborhood group

Do you belong to a club or sit on the board of an east county organization? Do you have a neighborhood watch, or homeowners association? If so, you can help give our community a voice.

ECCAC is an all-volunteer, non partisan group that is committed to giving East County communities a voice. Our volunteers are available to come visit with your group and provide information about the Sunrise Powerlink, including the status of recent lawsuits. We can tailor our presentation to meet your group's interests.

Please schedule a speaker today by contacting ECCAC at 619-390-8119 or email Info@EastCountyAction.org.

Protect the Cleveland National Forest

The U.S. Forest Service has still not permitted the Sunrise Powerlink on forest land. There is still time to let the forest service know that you oppose the permit. Each letter is tallied by the Forest Service and is important.

Please take the time to write to the following individuals:



Secretary Tom Vilsack
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250
email: agsec@usda.gov

Tom Tidwell, Chief
U. S. Forest Service
1400 Independence Ave., SW
Washington, D.C. 20250-0003
email: ttidwell@fs.fed.us

Randy Moore, Regional Forester
Pacific Southwest Region
1323 Club Drive
Vallejo, CA 94592
email: rmoore@fs.fed.us

SAVE THE DATE

- 4/18— Earth Day (Protect Our Communities Foundation will have a booth)
- 4/24—Lakeside Parade (ECCAC will be in the parade)



www.EastCountyAction.org

Banner photo credit:
Bill Parsons

Whatever happened to those SDG&E Community Council Meetings?

In January 2010, SDG&E issued a press release to San Diego news media that it had established seven community councils along the planned Sunrise Powerlink route in order to obtain community input. The announcement drew criticism from many east county communities where impacted residents had no knowledge of these meetings, and were offended that the community was not invited to participate in the “community” councils. Instead, many observed that the council participants were hand-picked by SDG&E.

The lack of true community involvement sparked letters and calls to Supervisor Dianne Jacob’s office. She contacted SDG&E to clarify if the meetings were closed meetings, or open to the public. In response, SDG&E stated that meetings were open to the public, and only then did they publish the meeting schedule.

In February, there were meetings held in various communities along the route. Among the largest meetings were those in Lakeside and Alpine. Residents filled the centers, and asked SDG&E to respond to critical questions about the project, such as “Where are you getting the water needed for the project?” and “Why can’t you underground the lines in El Monte Valley” and “How do you intend to defend El Monte Valley from fires if there are lines in the valley?”

For these, and other questions, SDG&E was unable to provide a response which was satisfactory to the community. One frustrated resident of Alpine complained, “it’s a little late for you to still not know where you’re getting your water.” Residents in Alpine are concerned because the project will require millions of gallons of water, which if taken from ground water, could have a significant impact on the wells that residents depend upon.

At the Lakeside meeting, SDG&E was asked why they could not run the lines underground on El Monte Road. “We looked at that,” responded the SDG&E project manager. “But we need at least a 60 foot right-of-way, and El Monte Road does not have that.”

One community council member followed up on this claim after the meeting, and obtained from the county the actual right-of-ways on El Monte Road, and discovered that the actual right-of-way on El Monte Road ranges from 60 to 80 feet in width. “Did they really even try to address our concerns, or are they just giving lip service,” said Milt Cyphert, a Lakeside resident.



But despite the community’s lack of satisfaction with SDG&E’s responses, Todd Voorhees, SDG&E project manager, was quoted in the Imperial County Press that he thought the meetings in Alpine and Lakeside were some of the most contentious but they were, “making progress in those communities.” This surprised many members of our community who did not see any progress, and in fact, have not heard anything

(Continued on page 3)

Paragliders and Hang gliders Put in Harms Way

In the year after the CPUC selected the El Monte Valley route for the Sunrise Powerlink, San Diego paragliders and hang gliders have been increasingly sharing the skies above El Cajon Mountain and the Blossom Valley launch site with a growing number of helicopters, many of which are from SDG&E.

For more than 30 years Blossom Valley has been a popular launch site for hundreds of paragliders and hang gliders from Southern California and is a popular travel destination for visiting pilots from around the world. This site is particularly special to flying enthusiasts because the unique topography and local meteorology creates thermals to allow gliders to cross El Monte valley and soar above El Cajon mountain.

At the February 16, 2010 SDG&E Lakeside Community Council Meeting, a local paraglider pilot reported to SDG&E that SDG&E helicopters had close calls with paragliders soaring around El Cajon mountain. The location of one of the proposed Sunrise Powerlink towers is located on a ridge in the direct flight path used to soar the lift at El



Paragliders and a helicopter share the skies over El Cajon Mountain (aka "El Cap") in El Monte Valley, Lakeside. Photo taken on March 19, 2010.

Cajon mountain.

The proximity of helicopters are of particular concern to paragliders because the rotor wash from the helicopter blades can cause unrecoverable collapses of the non rigid structure of the paraglider. Therefore, there does not have to be a mid air collision for there to be a tragic event.

In response to the paragliders comment, Todd Voorhees, SDG&E project manager assured that "we will take care of it."

community has continued to witness frequent close calls between helicopters and, hang gliders, paragliders, and even Golden Eagles.

On February 25, 2010, an El Monte Valley resident witnessed a helicopter have a near-miss with a Golden Eagle, and observed the Golden Eagle fall to the ground. The witness was able to locate the fallen eagle, but as he approached it, it flew away, although, "he was not

Despite these reassurances, the

(Continued on page 4)

Community Council Meetings (continued from pg 2)

from SDG&E since the last meeting. SDG&E has told the communities of Lakeside and Alpine that they would set up a meeting in March, and notify everyone when it was scheduled.

In a March 19th email from Voorhees, ECCAC was told that the Lakeside meeting has not been scheduled yet, and that the Alpine meeting will be held on May 10, 2010.

That is less than three weeks from when they say they plan to start construction, noted one resident. "That doesn't give them much time to give any serious consideration to the community's concerns," observed Richard Rusczyk, an Alpine Resident and business owner.

In Harm's Way (continued)

(Continued from page 3)

flying right," said the witness.

SDG&E claims that they did not have any helicopters in the area on the date of the Golden Eagle injury, and it is not known how many of the "close calls" are a result of SDG&E helicopters, or other pilots who use the route.

However, since the El Monte route was selected for the Sunrise Powerlink, residents and paragliders have noted a sudden significant increase in helicopter traffic. The photo included in this article was taken on March 19, 2010, and is representative of what residents claim is a common event.

While helicopters pose a deadly danger to paragliders, as concerning are the proposed transmission lines themselves. If the Sunrise Powerlink is built as planned, its 180 foot towers and transmission lines would be placed directly in front of the route used by paragliders to cross over to El Cajon Mountain. This hazard would make that journey incredibly dangerous, as there would be the risk that paragliders could become tangled in the high voltage lines, and killed.

Because of these dangers, the CPUC has required that transmission projects within one mile of launch or landing sites be placed underground; at least in other communities in California. For example, recently in Lake Elsinore, there was a transmission project approved which will require undergrounding within one mile of their launch and landing site.

"Mitigation was requested, but not granted, for the Blossom Valley site", stated Lyne Perry, an active paraglider pilot at the Blossom Valley launch site. Perry reported to ECCAC that she and the past president of the San Diego Hang Gliding and Paragliding Association (SDHGPA) submitted comments to the Draft EIR in 2007 regarding the impacts to hang gliding and paragliding along one of the proposed alternative routes (now referred to as the Southern Route). In response, the impacts to the soaring site at Highway 8 and Buckman Springs Road were mitigated by relocating the proposed towers out of the valley.

However, although comments were submitted for the Blossom Valley launch site, there was no

response or mitigation offered. In fact, ECCAC has not found any mention of the Blossom Valley launch site in the final EIR at all.

It is not known why the CPUC requires mitigation for some California regions, but did not offer the same for San Diego. ECCAC noted that not providing mitigation will not only impact our local paragliders, but it will also impact our local economy as tourists from around the world will have lost a unique paragliding destination.

As the litigation against the Sunrise Powerlink moves forward, paragliders and hang gliders are coming to Blossom Valley to experience this unique site before it may be gone forever. Only now they must do so while dodging helicopters.

You can report your concerns about lack of mitigation to the following third-party monitors:

Aspen Environmental Group

Susan Lee, Vice President
235 Montgomery Street, #935
San Francisco, CA 94104
EMAIL: SLee@aspeneg.com

CPUC

Billie Blanchard, CPUC Project Manager
505 Van Ness, 4th Floor
San Francisco, CA 94102
EMAIL: bcbl@cpuc.ca.gov

BUREAU OF LAND MANAGEMENT

Daniel Steward
El Centro Field Office
1661 S. 4th St
El Centro CA 92243
EMAIL: Daniel_Steward@ca.blm.gov



Civil Engineer Discovers Fatal Flaw in Fire Analysis Data for the Sunrise Powerlink

Last March, a Civil Engineer with the La Playa Heritage Foundation, tried to warn the community and the CPUC that she had uncovered what she believes is a fatal flaw in the fire analysis data that supports the Sunrise Powerlink approval.

Citing the Historical CalFire Maps of 1950 to 2007, which were referenced in the analysis of the "Fuels and Fire Management" portion of the EIR, Katheryn Rhodes, points to a disclaimer on the map which clearly states that the CalFire map is incomplete and caution should be exercised when relying upon the maps. As stated in the CalFire disclaimer, the fire data is missing on BLM and private land for the years between 1950 and 2003; 56 of the 60 years of fire history.

In an interview with ECCAC, Rhodes explained that the incomplete maps could inaccurately lead one to conclude that the area that includes much of the Sunrise Powerlink route, does not have a significant fire history.

"Which you might believe if you aren't from San Diego," adds Laura Cyphert, a resident of Lakeside who lost her home in the 2003 Cedar Fire.

Cyphert recalls that at the February 2009 Lakeside Planning Board meeting, the Lakeside Fire District Chief, Mark Baker, questioned SDG&E as to why SDG&E did not consult the local fire jurisdiction as part of their fire analysis of this route. (It is ECCAC's understanding that the fire analysis was conducted out of Sacramento).

"Perhaps they purposely used incomplete maps, and bypassed local input in order to mislead the CPUC," speculates Cyphert.

Rhodes has appealed to the CPUC with her discovery. The CPUC acknowledged that the maps were incomplete, but further responded that this would not have impacted their conclusion.

Quoting from the CPUC response:

"The model results indicated that this landscape is not defensible due to the fuel load and rugged terrain. Any fire history data deficiency on BLM lands would not influence the model results because the effects of fuel and topography dominate the model results, masking any effect of fire and ignition history. The EIR/EIS concluded that any effect of the transmission on firefighting efforts would be less than significant for the BCD Alternative because the transmission line would occur in a non-defensible landscape."

Cyphert mocked the CPUC conclusion, calling it ridiculous. "They are essentially saying that because of the terrain and brush, in this fire-prone area, they have concluded that the land is non-defensible, and therefore, transmission lines could not make it any worse than it already is. That is crazy logic," she contends.



A brush fire in El Monte Valley in August 2008 is suppressed by a fix winged aircraft . This fire is on the exact site of one of the proposed towers.

Furthermore, the premise that this area is indefensible is not consistent with the claims by the local fire jurisdiction. Even the Sunrise Powerlink's Fire Marshall, Acree Shreeve, in correspondence with ECCAC, stated that this area is defensible, and that he himself has successfully fought fires in this area over his career.

In fact, every year there are fires in this area, and many of these have only been successfully suppressed with an aerial assault.

"However, that won't be the case if they put in 180 foot towers

(Continued on page 6)

Los Angeles says no to their “Sunrise Powerlink”

San Diegans took note earlier this month when Los Angeles nixed their equivalent of the Sunrise Powerlink, the “Green Path North.” The Environmental Services Director for the Los Angeles Department of Water and Power, announced to a joyful crowd that the project was determined to be far too damaging to the unspoiled desert and San Bernardino National Forest, according to a news article in the Press Enterprise.

Community input was cited as

the reason for the change in plans.

In contrast, there was very little community input on the Southern route of the Sunrise Powerlink. Critics state that this is because the community was never informed that the Southern route through east county of San Diego was a viable route. This is further supported by the fact that the CPUC fined SDG&E over \$1 million for misleading them about the viability of the route. Unfortunately, the CPUC did not address the fact that if they were misled, certainly the public

was misled too.

“I just don’t understand how anyone could think that a project like this is not okay for the San Bernardino Forest, or the Anza Borrego State Park, but could possibly have a different conclusion for the Cleveland National Forest, and our fire-prone backcountry,” said Carveacre resident Sharmin Self.

The US Forest Service has not yet issued a decision about the Cleveland National Forest.



Photo: Taken from the Carveacre community of Alpine which borders the Cleveland National Forest

Engineer Discovers Fatal Flaw (continued)

(Continued from page 5)

and transmission lines here,” adds Cyphert, “because many of the fires are not accessible from the ground, and can only be fought from the air.”

The project’s Environmental Impact Report states that transmission lines will restrict aerial access near the transmission lines.

Rhodes points out that while SDG&E used the Cal Fire maps to evaluate risks on the route that traverses BLM and private lands, they failed to use the maps in the area that crosses the Cleveland National Forest.

“If the maps were accurate for the Forest, then why didn’t they use the history there. That would have been appropriate,” states Cyphert.

Rhodes has not let the CPUC response dissuade her from trying to alert others, including the U.S. Forest Service, of the fatal flaws in the EIR. She has recently requested a joint meeting with CALFire, the U.S. Forest Service, SDG&E, and Congressman Bob Filner, to address these inconsistencies.

Eminent Domain Refresher

Last June, ECCAC, the Protect Our Communities Foundation, and Back Country Against Dumps, sponsored a free legal workshop to educate the community about legal rights related to SDG&E and eminent domain. Our legal workshop last summer was on the heels of complaints from many property owners that SDG&E was using bullying tactics to try to push homeowners into quick and low priced sales of their property.

Now that SDG&E has announced its eminent domain efforts are underway, we have decided to reprint an abbreviated refresher on Eminent Domain rights. This information is not complete and is designed for general information only, and should not be construed to be formal legal advice. We highly encourage you to seek advice from an attorney who specializes in protecting owners; rights in eminent domain cases.

What compensation are you entitled to receive?

You are entitled to “just compensation” for the taking of your land. “Just compensation” means that you should be paid the fair market value of your land. Fair value should generally be the highest price someone would pay for the property, if it were in the hands of a willing seller. In addition, if only a portion of your land is taken you may be entitled to severance damages caused to the

remainder of your land not taken. Finally, if you operate a business on the property, you may recover loss of goodwill (damages) to the business.

What Can I Expect if My Land is Subject to Eminent Domain for the Sunrise Powerlink?

If your property is subject to eminent domain as a result of the proposed Sunrise Powerlink, you can generally expect the following steps to occur:

1. SDG&E may contact you to express an interest in your property and/or to schedule a date for an appraisal or environmental assessment of your property. IF POSSIBLE, YOU SHOULD SEEK LEGAL ADVICE PRIOR TO SDG&E ENTERING YOUR PROPERTY AND YOU SHOULD NOT GIVE SDG&E, ITS APPRAISERS, OR ITS CONSULTANTS ANY DETAILED INFORMATION ABOUT YOUR PROPERTY OR BUSINESS.

SDG&E will want to come onto your land to take pictures and conduct surveys, tests, studies and appraisals.

2. SDG&E’s appraiser will issue an appraisal of your land.



SDG&E will have to give you a written summary of the basis upon which they make their offer to acquire your land.

3. SDG&E will give you a written offer to purchase your property, with a summary of the basis, or support for its conclusion of value.

4. You will receive a notice of public hearing to adopt a “resolution of necessity” to acquire your property by eminent domain.

Before SDG&E can commence an eminent domain proceeding in court, it has to adopt a formal resolution to acquire your property. You will receive notice of this hearing and will have an opportunity to participate. Again, we recommend you seeking the advice of legal counsel before participating in the hearing.

(Continued on page 8)

For the complete primer which was prepared jointly by the Law Office of Robert Miller (rmm@robertmillerlaw.com) and the Law Office of Steven P. McDonald, LC (smcdonald@TheMcDonaldLawFirm.com) please visit the Protect Our Communities website at www.prtoectourcommunities.org.

Eminent Domain Refresher.. continued

(Continued from page 7)

FAILING TO RAISE CERTAIN ARGUMENTS DURING THE HEARING COULD RESULT IN A WAIVER OF YOUR ABILITY TO RAISE THESE ARGUMENTS LATER ON IN THE PROCEEDINGS.

5. A public hearing will be held to adopt the “resolution of necessity,” as discussed above.

Normally, this resolution will be adopted without regard to your objections or the value of your property.

6. SDG&E will file the eminent domain case in court, and you will receive a notice of the court filing (a Complaint in Eminent Domain).

7. SDG&E may file a motion for early possession of your property. To do so, it must deposit the probable amount of just compensation (according to its appraisal) with the Court. You are entitled to withdraw that deposit and use it for whatever you like, without agreeing that it is the right amount, that is, you can take the money but reserve the right to argue for greater compensation later.

Utility companies often request

early possession of your property to allow them to start construction, even though you have not agreed to an amount of just compensation and the trial to determine that amount may be months in the future.

8. You and SDG&E will conduct discovery in the eminent domain lawsuit. About six months after the case is filed, the Court will hold a hearing to schedule a trial date. Trials are usually held about a year after the case is filed. Ninety days before the scheduled trial date, the parties exchange appraisals. WE RECOMMEND THAT YOU DO NOT AGREE TO GIVE SDG&E YOUR APPRAISAL UNTIL THAT TIME.

Parties often settle after they have reviewed each others' appraisals.

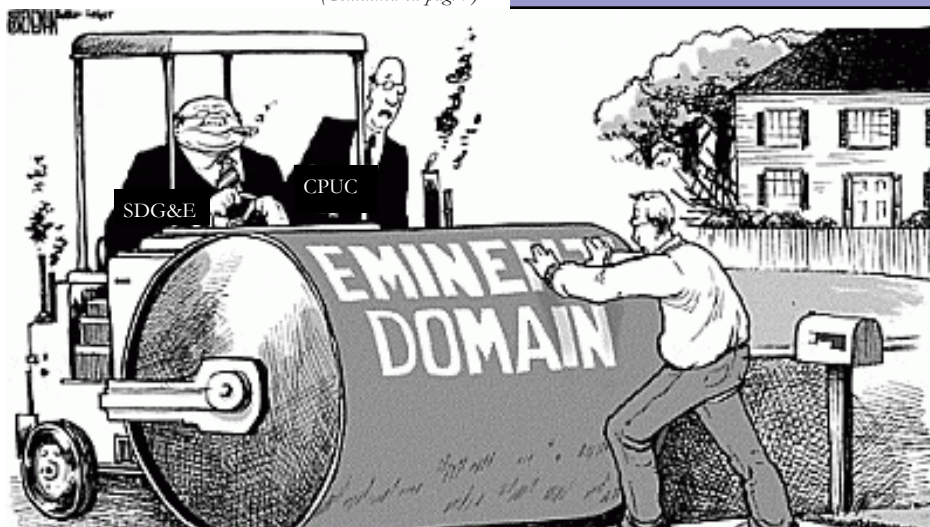
9. If there is no settlement agreement, then you will participate in a trial before a jury who will determine the fair market value of your property. When the jury makes its decision, the Court will enter judgment.

(Continued on page 9)

Some Key Points:

- **Consult with an attorney EARLY;** during the initial survey period. Some eminent domain attorney's will provide a free consultation or work on a contingency basis.
- **It is advised to not talk to SDG&E or its surveyors until you have talked to an attorney.** SDG&E and their appraisers are not your friend and you may be waiving rights you don't know you have.

Legal Workshop video is now available on YOUTUBE (www.YouTube.com - Search "ECCAC")



"REST ASSURED YOUR PROPERTY WILL BE USED FOR PROJECTS VITAL TO THE STOCKHOLDER'S INTEREST, ERR.. I MEAN THE PUBLIC'S INTEREST."

Eminent Domain Refresher.. continued

(Continued from page 8)

10. SDG&E will have to pay the judgment within 30 days following entry of judgment, and title to your property will be transferred to the government by the Court.

Please see www.protectourcommunities.org for the complete primer



To schedule a free initial legal consultation with Robert Miller, 619-550-8839 or email :rmm@robertmillerlaw.com

The future of ECCAC—beyond the Powerlink

While we are still a long way off from looking beyond our immediate task at hand, the board of ECCAC recently met to discuss the future of ECCAC, including our role once the Sunrise Powerlink is behind us.

While the board is still discussing the long-term vision, we do believe that the Sunrise Powerlink issues have highlighted the fact that as an unincorporated area of San Diego, our east county communities struggle to have an effective voice in public policy issues, such as the Sunrise Powerlink.

One vision for ECCAC is to grow our board so that it includes one member from each community in the unincorporated area. To qualify as a board member, the individual would need to be an active participant in their local community, and knowledgeable about local issues.

They would also be responsible for staying connected and informed about issues significant to their local community.

Each month, the board members of ECCAC would meet, and discuss the issues that each local community is facing. The board would then determine if there are issues which require a cohesive response from the coalition.

ECCAC would also be an organization that would help educate citizens on how to individually and as a community have a more effective voice. This would include workshops, and one-on-one consulting with individuals. In a nutshell, we would help the community by teaching them our lessons learned along the path of the Sunrise Powerlink.

Our vision is one that if it had been in place two years ago, our

communities would never had been blind-sided by the Sunrise Powerlink, and we would have been able to address these issues long before they advanced to this critical juncture.

If you are interested in becoming a part of our vision, please contact Laura Cyphert at Info@eastcountyaction.org.



An Osprey in flight above El Cajon Mtn in Lakeside

ANNOUNCEMENTS



BACK COUNTRY AGAINST DUMPS (BAD) launches website—Last month BAD launched its website which has comprehensive information about Sunrise Powerlink and related issues. Please visit www.BackCountryAgainstDumps.org.

Volunteers are needed for upcoming events, including Earth Day at Balboa Park. Please email for more info.



Freedom of Information Requests—

Please visit The Protect Our Communities Foundation website for an update on information obtained through our Freedom of Information Act Requests.

www.ProtectOurCommunities.org

Donate to STOP SUNRISE Legal Fund

Make a Difference

Your dollar is one more vote to STOP the Sunrise Powerlink
www.EastCountyAction.org

Please help us continue our work

During 2009 the ECCAC, along with its coalition partners, The Protect Our Communities Foundation and Back Country Against Dumps, spent well over \$150,000 on legal fees to Stop the Sunrise Powerlink. We have made great progress in 2009, but 2010 will be our “defining moment”. We need your help to finish this fight strong. Without your support we can not finish what we started. Thank you for believing in the strength of our community, and in ECCAC and its coalition partners. We could not do this without you. Together we can!

Donate online at www.ProtectOurCommunities.org or mail checks payable to The Protect Our Communities Foundation

c/o San Diego Foundation
2508 Historic Decatur Rd
San Diego, CA 92106

