

BMT Minneola Solar Project Appeal

Incorporation of Prior Opposition:

1. We fully incorporate by reference as though fully set forth herein this appeal, all written and oral opposition previously submitted to the Land Use Services Department (LUSD) and the Planning Commissioners regarding the BMT Minneola Solar Project (BMT Project) application (PROJ-2022-00071).

2. Additionally, we incorporate by reference as though fully set forth herein, all written and oral opposition submitted regarding the prior Daggett Solar project application by Clearway Energy. This prior opposition specifically addressed the County's obligations under Environmental Justice laws, the California Environmental Quality Act (CEQA), relevant Federal and State laws, County goals, guidelines, policies and the well-known documented hazards of silica dust generation in Mojave Valley sand transport path's.

The Daggett Solar opposition serves this appeal as foundation evidence that the County, acting as the CEQA lead agency for the BMT Project, was on prior notice of the significant dangers associated with crystalline silica dust and the extreme hazard of permitting industrial solar developments in the Mojave Valley upwind to sensitive human receptors.

BMT Project's Leading Concerns:

* The BMT Project proposes soil disturbance that exposes downwind residents to additional hazardous silica dust. This microscopic particulate matter is easily airborne due to the frequent high winds and breezes in the area.

* California Environmental Justice laws protect disadvantaged communities like Newberry Springs from cumulative pollution impacts from industrial expansion. The BMT Project's soil disturbance and emissions of carcinogenic silica dust, similar in effect to asbestos, directly violates these State-mandated protections.

*Our other concerns include, but are not limited to, the negative impacts on the landscape, wildlife, economics, viewsheds, local lifestyle, and tourism, which are addressed in the existing BMT Project opposition letters.

Fiduciary Duty of the Board of Supervisors:

As highlighted in the December 18, 2023, BMT Project opposition letter from the Newberry Springs Community Alliance, the Board of Supervisors holds a fiduciary duty to their constituents whom they represent. This duty prioritizes the health and safety of County residents above the interests of external developers and lobbyists.

The Board's actions in approving the Clearway Energy project, which has caused significant health hazards and property damage, constituted a breach of this fiduciary duty.

Potential Liability of Board Members:

The approval of the Clearway Energy project, a hazardous project with no benefit to local residents, demonstrates a breach of fiduciary duty by the Board. This breach exposes the individual Board members who approved the Clearway Energy Project and the County to liability for the ongoing damages that are still being suffered by Newberry Springs residents.

Conclusion:

Newberry Springs is an Environmental Justice Focus Area. Permitting the BMT Minneola project would further overburden the community with hazardous silica dust. This action would constitute a violation of Environmental Justice laws and expose the County and existing Board members to liability.

We request that the San Bernardino County Board of Supervisors direct The Land Use Services Department to meet with the Newberry Community Services District (NCSD) to review the outstanding legal issues and mitigate these issues.