Energy - Docket Optical System

From:	Stalvey,Malinda K <mstalvey@mwdh2o.com>
Sent:	Friday, February 20, 2015 2:29 PM
To:	Energy - Docket Optical System
Subject:	Comment Letter Draft Renewable Energy Conservation Plan and Draft Environmental Impact Statement (SCH #@2011071092)
Attachments:	DRECP DEIR Comment Letter.pdf; DRECP_2014_email.pdf; DRECP_2014 _TransmissionLines_email.pdf; Attachment-2011 MWD comment letter on NOI.pdf; Site Investigation Plan final draft sm.pdf

Dear Sirs,

Thank you for the opportunity to comment on the Draft Renewable Energy Conservation Plan and Draft Environmental Impact Statement (SCH #2011071092). Attached is our comment letter, two maps, and two prior comment letters referenced in the letter. A hard copy will follow via Federal Express. If you have any questions, please do not hesitate to contact us.

California Energy Commission
DOCKETED
09-RENEW EO-1
TN # 74723
FEB 20 2015

Regards,

Malinda Stalvey
Metropolitan Water District of Southern California
700 North Alameda Street
Los Angeles, California 90012
(o) 213-217-5545
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THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

AUGUST 31, 2011 **Via Electronic & U.S. Mail**

Jim Bartel, Field Supervisor,
Carlsbad Fish and Wildlife
Office, U.S. Fish and Wildlife Service 6010
Hidden Valley Road, Suite 101
Carlsbad, CA 92011.

To Whom it May Concern:

Notice of Intent (NOI) and Notice of Public Meeting, Desert Renewable Energy Conservation Plan (DRECP), Habitat Conservation Plan (HCP) and Possible Land Use Plan Amendment, Southern California: Environmental Impact Statement/Environmental Impact Report

The Metropolitan Water District of Southern California (Metropolitan) has reviewed the Federal Register [Volume 76, Number 146 (Friday, July 29, 2011)] Notice of Intent to prepare an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) of 1969, as amended, for the proposed Desert Renewable Energy Conservation Plan (DRECP). The EIS will be a joint Environmental Impact Statement/ Environmental Impact Report (EIS/EIR), for which the United States Fish and Wildlife Service and the Bureau of Land Management (BLM) will serve as co-Lead agencies for the NEPA process and the California Energy Commission (CEC) will serve as the Lead Agency for the California Environmental Quality Act (CEQA) process. The DRECP will then be prepared to meet the requirements of the Federal Endangered Species Act of 1973, as amended, and the State of California's Endangered Species Act and Natural Communities Conservation Planning Act. The BLM, in compliance with the Federal Land Policy and Management Act, as amended, will consider this NEPA process and the resulting DRECP documents in its analysis toward possible amendment of BLM's California Desert Conservation Area (CDCA) Plan of 1980, as amended.

Background

Metropolitan is a public agency and regional water wholesaler. It is comprised of 26 member public agencies serving more than 19 million people in six counties in Southern California. One of Metropolitan's major water supplies is the Colorado River via Metropolitan's Colorado River Aqueduct (CRA). Metropolitan holds an entitlement to water from the Colorado River. The CRA consists of tunnels, open canals and buried pipelines. CRA-related facilities also include above and below ground reservoirs and aquifers, access and patrol roads, communication facilities, and residential housing sites. The CRA, which can deliver up to 1.2 million acre-feet of water annually, extends 242 miles from the Colorado River, through the Mojave Desert and into Lake Mathews. Metropolitan has five pumping plants located along the CRA, which consume approximately 2,400 gigawatt-hours of energy when the CRA is operating at full capacity.

Concurrent with its construction of the CRA in the mid-1930s, Metropolitan constructed 305 miles of 230 kV transmission lines that run from the Mead Substation in Southern Nevada, head south, then branch east to Parker, California, and then west along Metropolitan's CRA. Metropolitan's CRA transmission line easements lie on federally-owned land, managed by BLM. The transmission lines were built for the sole and exclusive purpose of supplying power from the Hoover and Parker projects to the five pumping plants along the CRA.

Metropolitan's ownership and operation of the CRA and its 230 kV transmission system is vital to its mission to provide Metropolitan's 5,200 square mile service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

Land Use Issues: Potential Impacts on Metropolitan Facilities

Metropolitan currently has a significant number of facilities, real estate interests, and fee-owned rights-of-way, easements, and other properties (Facilities) located on or near BLM-managed land in southern California that are part of our supplemental water distribution system. Metropolitan is concerned with potential direct or indirect impacts that may result from the construction and operation of any proposed renewable energy projects or Habitat Conservation Plans (HCPs) on or near our Facilities. In order to avoid potential impacts, Metropolitan requests that the EIS/EIR and staff assessment include an assessment of potential impacts to Metropolitan's Facilities with proposed measures to avoid or mitigate significant adverse effects.

Metropolitan is also concerned that locating renewable energy projects or HCPs near or across its electrical transmission system could have an adverse impact on Metropolitan's electric transmission-related operations and Facilities. From a reliability and safety aspect, Metropolitan is concerned with development of any proposed projects and supporting transmission systems that would cross or come in close proximity with Metropolitan's transmission system. Metropolitan requests that the EIS/EIR and staff assessment analyze and assess any potential impacts to Metropolitan's transmission system.

Water Resources: Potential Impacts on Local Water Supplies

Metropolitan is also concerned about the potential direct and cumulative impacts of renewable energy projects and HCPs on water supplies, specifically potential impacts on Colorado River and local groundwater supplies. Metropolitan holds an entitlement to imported water supplies from the Colorado River. Water from the Colorado River is allocated pursuant to federal law and is managed by the Department of Interior, Bureau of Reclamation (USBR). In order to lawfully use Colorado River water, a party must have an entitlement to do so. See Boulder

Canyon Project Act of 1928, 43 U.S.C. §§ 1501, et seq.; Arizona v. California, 547 U.S. 150 (2006).

Renewable energy projects in the Mojave Desert previously described in EIRs and EISs proposed to use groundwater during construction and long-term operations, using groundwater within an area that is hydrogeologically connected to the Colorado River, within an area referred to as the "accounting surface." The extent of accounting surface area for the Colorado River was determined by the U.S. Geological Survey (USGS) and USBR as part of an on-going rule-making process. See Notice of Proposed Rule Regulating the Use of the Lower Colorado River Without an Entitlement, 73 Fed. Reg. 40916 (July 16, 2008); USGS Scientific Investigative Report No. 2008-5113. To the extent the Project uses Colorado River water, it must have a documented right to do so.

California is using its full entitlement of Colorado River water, meaning that all water is already contracted for and no new water entitlements are available in California. Project proponents would have to obtain any rights to entitlements from existing contract holders. Metropolitan is willing to discuss the transfer or exchange of a portion of its water entitlement subject to any required approvals and so long as the Proponents agree to provide a replacement supply. Proponents must fully address the impacts on Colorado River water resources and provide full mitigation for such impacts, including replacement of supply.

Metropolitan requests that the EIS/EIR for the DRECP assess the potential cumulative impacts of the use of the scarce Colorado River and local groundwater supplies in light of other pending renewable energy projects within the Colorado River Basin and the local groundwater regions. Metropolitan requests that the final EIS address the Proponent's water supply rights and any potential direct, indirect, or cumulative impacts from this use.

We appreciate the opportunity to provide input to your planning process and we look forward to receiving future environmental and related documentation on this project. If we can be of further assistance, please contact Mr. Michael Melanson at (916) 650-2648.

Very truly yours,

Deirdre West
Manager, Environmental Planning Team

MM:rdl
(J:Environmental Planning-Compliance\COMPLETED JOBS\August 2011\Job No. 2011080301)

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

February 20, 2015 **Via Electronic & Federal Express**

California Energy Commission
Dockets Office MS-4
Docket No. 09-RENEW EO-01
1516 Ninth Street
Sacramento, CA 95814-5512
docket@energy.ca.gov

To Whom it May Concern:

Notice of Availability of the Draft Desert Renewable Energy Conservation Plan and Draft Environmental Impact Statement/Environmental Impact Report, California [EIS No. 20140278; EIR CEQA Clearinghouse Number 2011071092]

The Metropolitan Water District of Southern California (Metropolitan) reviewed the Notice of Availability of the Draft Desert Renewable Energy Conservation Plan (DRECP) and Draft Environmental Impact Statement/Environmental Impact Report, published in the Federal Register on September 26, 2014 (Volume 79, Number 187).

Pursuant to the provisions of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), the Bureau of Land Management (BLM) and the Fish and Wildlife Service partnered with the California Energy Commission and the California Department of Fish and Wildlife (collectively, the Agencies) to prepare the Draft DRECP and EIS/EIR (collectively, Draft EIS/EIR). With the Draft EIS/EIR, the Agencies plan to create a framework to streamline renewable energy permitting on 22 million acres of land in parts of Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino, and San Diego counties in California. The Agencies hope to encourage development of up to 20,000 megawatts of renewable energy in the proposed desert planning areas.

Metropolitan previously submitted comments regarding issues which may have the potential for direct or indirect impacts to Metropolitan's facilities and operations within the proposed project area. These comments were submitted in letters dated August 31, 2011 and April 18, 2012 in response to the Notice of Intent and Amended Notice of Intent published in the Federal Register. Enclosed are copies of those letters for reference.

Background

Metropolitan is a public agency and regional water wholesaler. It is comprised of 26 member public agencies serving approximately 19 million people in six counties in Southern California. One of Metropolitan's major water supplies is the Colorado River delivered via Metropolitan's Colorado River Aqueduct (CRA). Metropolitan holds an entitlement to water from the Colorado River. The CRA consists of tunnels, open canals and buried pipelines. CRA-related facilities also include above and below ground reservoirs and aquifers, access and patrol roads, communication facilities, electrical transmission lines and substations, and residential housing sites. The CRA, which can deliver up to 1.2 million acre-feet of water annually, extends 242 miles from the Colorado River, through the Mojave Desert and into Lake Mathews. Metropolitan has five pumping plants located along the CRA, which consume approximately 2,500 gigawatt-hours of energy when the CRA is operating at full capacity.

Concurrent with its construction of the CRA in the mid-1930s, Metropolitan constructed 305 miles of 230 kilovolt (kV) transmission lines that run from the Mead Substation in Southern Nevada, head south, then branch east to Parker, California, and then west along Metropolitan's CRA. Metropolitan's CRA transmission line easements lie on federally-owned land, managed by BLM. The transmission lines were built for the sole and exclusive purpose of supplying power from the federal Hoover and Parker projects to the five pumping plants along the CRA.

Metropolitan's ownership and operation of the CRA and its 230 kV transmission system is vital to its mission to provide Metropolitan's 5,200 square mile service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

Additionally, Metropolitan is a participant in the Lower Colorado River Multi-Species Conservation Program. The program is a 50-year habitat conservation plan covering the lower Colorado River from Lake Mead to the international boundary with Mexico. Metropolitan relies on the incidental take authorizations provided by the program to mitigate impacts from its current and future water supply projects and operations.

Land Use Issues: Potential Impacts on Metropolitan Facilities and Operations

Metropolitan has significant landholdings and facilities in the Project planning area that should be identified in the final EIS/EIR and shown on the relevant maps. Enclosed are maps overlaying Metropolitan's interests with the DRECP planning areas.

As shown on the maps, Metropolitan currently has a significant number of facilities, real estate interests, and fee-owned rights-of-way, easements, and other properties (Facilities) located on or near BLM-managed land in southern California that are part of our supplemental water distribution system. Metropolitan is concerned with potential direct or indirect impacts that may result from the construction and operation of any proposed renewable energy projects or Habitat Conservation Plans (HCPs) on or near our Facilities.

Metropolitan is also concerned that locating renewable energy projects or HCPs near or across its electrical transmission system could have an adverse impact on Metropolitan's electric transmission-related operations and Facilities. From a reliability and safety aspect, Metropolitan is concerned with development of any proposed projects and supporting transmission systems that would cross or come in close proximity with Metropolitan's transmission system.

Additionally, the California portion of the Lower Colorado River Multi-Species Conservation Program (LCR MSCP) falls within the DRECP planning area. While Metropolitan notes that the agencies affirm that their planning processes will be consistent with the LCR MSCP: "The BLM decisions will be consistent and compatible with the existing Lower Colorado River Multiple Species Conservation Program and the Coachella Valley Multiple Species Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP), to the extent the HCP and NCCP are consistent with federal law and FLPMA." Draft EIS/EIR at page I.3-2. In addition to this assurance, Metropolitan requests that the final DRECP EIS/EIR further discuss and identify the LCR MSCP planning area, and ensure that any projects within, or adjacent to, the LCR MSCP planning area do not negatively impact LCR MSCP covered species, created habitats, or existing habitats. The LCR MSCP program area extends over 400 miles of the lower Colorado River and includes the historic 100-year floodplain along the main stem of the lower Colorado River. For more information on the LCR MSCP, please see http://www.lcrmscp.gov/.

For these reasons, Metropolitan requests that its Facilities and the LCR MSCP be identified in the final EIS/EIR, at a minimum in the text narratively in Section III.11 regarding Land Use and Policies, Section III.7 regarding Biological Resources, and in the relevant maps throughout the final EIS/EIR.

Water Resources: Potential Impacts on Water Supplies

Metropolitan is also concerned about the potential direct and cumulative impacts of renewable energy projects and HCPs on water supplies, specifically potential impacts on Colorado River and local groundwater supplies. Metropolitan holds an entitlement to imported water supplies from the Colorado River. Water from the Colorado River is allocated pursuant to federal law and is managed by the Department of the Interior, Bureau of Reclamation (USBR). In order to lawfully use Colorado River water, a party must have an entitlement to do so. *See* Boulder Canyon Project Act of 1928, 43 U.S.C. §§ 1501, *et seq.* (BCPA); *Arizona v. California*, 547 U.S. 150 (2006).

Portions of the DRECP planning area lie over the "Colorado River Accounting Surface" area, within the river aquifer which the U.S. Geological Survey and USBR have determined is hydraulically connected to the Colorado River. This means that water can move between the river and groundwater aquifer in response to withdrawal of water from the aquifer or differences in water-level elevations between the river and the aquifer; so groundwater within the river aquifer may not be solely native groundwater, but may also contain river water. For this reason, a water supply, acquired through a holder of a BCPA Section 5 water delivery contract, is required for the use of groundwater that USBR determines to be water drawn from the mainstream by underground pumping—within the area encompassed by the Colorado River Accounting Surface. This Project, like others approved by BLM, should be required to monitor and mitigate for any potential impacts to Colorado River water.

Metropolitan acknowledges and appreciates that the agencies have incorporated a discussion on the Colorado River Accounting Surface area in the Draft EIS/EIR. Draft EIS/EIR at page III.6-2 to III.6-3. However, Metropolitan requests that the final EIS/EIR include mitigation measures to avoid impacts to the Colorado River Accounting Surface area. Additionally, Metropolitan requests the following specific changes to references to the Colorado River Accounting Surface area in the final EIS/EIR. Note that changes are made in underline/strike-out format for reference.

On page II.3-411, to more accurately describe the Colorado River Accounting Surface Method and aspects of the governing legal framework, please revise the text to read as follows:

- The Colorado River Accounting Surface Method, as defined in USGS SIR 2008-5113 and any future updates, and developed to implement a provision of ~~ordered in~~ the Consolidated Decree of~~by~~ the United States Supreme Court in Arizona v. California, 547 U.S. 150 (2006), shall be the accepted method of determining whether project-related pumping would result in such water being replaced by water drawn from ~~denies~~ the Colorado River ~~of water which it would otherwise receive from its tributary basins~~. If project-related groundwater pumping results in the static groundwater level at the well-being near (within ± 0.84 feet at the 95-percent confidence interval), equal to, or ~~drawdown~~ below the Accounting Surface ~~is expected~~ in a basin hydraulically connected ~~whose groundwater is tributary~~ to the Colorado River, ~~and all or a portion of that project is on BLM-managed land~~, that consumption shall be considered subject to the Law of the River (including the Consolidated Decree~~Colorado River Compact of 1922 and amendments~~). In such cases, BLM shall require the applicant to offset or otherwise mitigate the volume of water causing drawdown below the ~~a~~Accounting ~~s~~Surface. Details of such mitigation measures and the right to the use of water shall be described in the Water Monitoring, Management, and Mitigation Plan.

Beginning on page III.6-2, to more accurately describe the Colorado River Accounting Surface Method and aspects of the governing legal framework, please revise the text to read as follows:

III.6.1.1.6 Colorado River Water Accounting Surface

Colorado River diversions are governed by the Colorado River Compact, signed in 1922, and by associated documents subsequently affirmed by the United States Supreme Court in Arizona v. California (547 U.S. 150 2006) (Consolidated Decree). For decades, California consumed a portion of the river's yield surplus as ~~from~~ other western states did not use all of ~~that underspent~~ their own allotments. Water demand grew outside California, and in 2001 the U.S. Department of the Interior (DOI) issued Interim Surplus Guidelines ~~updated rules~~ that defined Lake Mead reservoir elevations at which ~~restrict~~ California would not be able to use surplus water, limiting California to its normal ~~yield~~ apportionment~~allocation~~ of 4.4 million acre-feet/year. A number of contracts for the delivery of water executed by the Secretary of the Interior in the 1930s specified the apportionment of the waters of the Colorado River available for use within California to a number of respective interests, including: ~~The four most senior California diverters~~-- ~~are~~ a first priority to Palo Verde Irrigation District for beneficial use upon a gross area of 104,500 acres, a second priority to the Yuma Project (Reservation Division) for beneficial use, a third priority to (a) Imperial Irrigation District, and Coachella Valley Water District, and (b) Palo Verde Irrigation District for use exclusively on 16,000 acres of the Lower Palo Verde Mesa, for beneficial consumptive use. The contracts specified that total beneficial consumptive use under these priorities shall not exceed ~~These districts are collectively entitled to~~ 3.85 million acre-feet/year [of California's 4.4 million acre feet/year total normal apportionment ~~yield~~ (87.5 percent)]. In 2003, the Secretary of the Interior executed the Colorado River Water Delivery Agreement. That agreement provides that except as otherwise determined under the Department of the Interior's Inadvertent Overrun and Payback Policy, the Secretary shall deliver Priority 3(a) Colorado River water to:

- Imperial Irrigation District in an amount up to but not more than a consumptive use amount of 3.1 million acre-feet/year less the amount of water equal to that to be delivered for the benefit of Coachella Valley Water District, The Metropolitan Water District of Southern California, San Diego County Water Authority, the San Luis Rey Indian Water Rights Settlement Parties, and Indian and miscellaneous present perfected rights as set forth in exhibits to the agreement, and

- Coachella Valley Water District in an amount up to but not more than a consumptive use amount of 330,000 acre-feet per year less the amount of water equal to that to be delivered for the benefit of Imperial Irrigation District, The Metropolitan Water District of Southern California, San Diego County Water Authority, the San Luis Rey Indian Water Rights Settlement Parties, and Indian and miscellaneous present perfected rights as set forth in exhibits to the agreement.

The USBR monitors and accounts for all water use in areas with diversions from the Lower Colorado River. In the 1990s, the U.S. Geological Survey, in cooperation with the USBR, developed an ~~a~~Accounting ~~s~~Surface ~~m~~Method to identify wells outside the flood plain of the Lower ~~further account for~~ Colorado River that ~~water withdrawn by~~ river~~groundwater pumping wells. This accounting surface includes all areas where groundwater pumping~~ "will yield water that will be replaced by water from the river" (Wilson and Owen-Joyce 1994, Owen-Joyce et al. 2000, Wiele et al. 2008). The river aquifer consists of ~~accounting surface therefore now identifies geographic areas containing water-bearing~~ permeable, partly saturated sediments and sedimentary rocks ~~deposits~~ that are hydraulically connected to the Colorado River so that water can move between the river~~, as well as the extrapolated depth of "river~~ and the aquifer in response to withdrawal of water from the aquifer or differences in water-level elevations between the river and the aquifer~~water" within those areas~~. In 2008, the USGS updated ~~mapped~~ the ~~a~~Accounting ~~s~~Surface using a physically-based groundwater flow model (Wiele et al. 2008). While the USBR has withdrawn ~~not yet published~~ a proposed rule incorporating the ~~a~~Accounting ~~s~~Surface, it is considered to be the best available science on this issue. Significantly, ~~even though~~ water pumped from a well with a static water level above the ~~a~~Accounting ~~s~~Surface ~~is not considered river water, it is still considered~~ would be deemed tributary water, and a Colorado River entitlement would not be needed.

On page III.6-25, to more accurately describe aspects of the governing legal framework and the Colorado River Accounting Surface, please revise the text to read as follows:

III.6.2.3 Basins Tributary to the Colorado River

Colorado River water rights are managed ~~and operated~~ under numerous compacts, federal laws, court decisions and decrees, contracts, agreements, rules, ~~and regulatory~~ guidelines, and policies collectively known as the "Law of the River." This collection of documents apportions use of Colorado River water and regulates its ~~use and~~ management among the seven basin states and Mexico. It is administered by the USBR (U.S. Bureau of Reclamation 2010). This body of law was affirmed and clarified in the Consolidated Decree (547 U.S. 150, 2006).

Several groundwater basins along the eastern edge of the Plan Area are hydraulically connected and possibly coupled, or tributary, to flow in the Colorado River. These basins are segregated into three categories (Figure III.6-2): (1) "Floodplain Areas," as mapped for the USBR by the USGS; (2) the larger "River Aquifer," mapped for the USBR by the USGS; and (3) the basins described in CDWR Bulletin 118 with subsurface outflow toward the Colorado River and thus classified as "possibly tributary" to the river. The Colorado River Aquifer, ~~which~~ includes groundwater beneath the river flood plain.~~,~~ ~~defines t~~The Colorado River Accounting Surface is defined to represent the elevation and slope of the static water table in the river aquifer outside the flood plain and the reservoirs

> of the Colorado River that would exist if the water in the river aquifer were derived only from the river~~area~~. The Accounting Surface extends outward from the edges of the flood plain or a reservoir to the subsurface boundary of the river aquifer. That aquifer also includes saturated sediments above the Accounting Surface that are higher in elevation ~~more distant~~ and hydraulically connected flows below ~~within~~ the river channel itself. The Accounting Surface delineates the area where groundwater pumping is to be managed, pursuant to the USBR's accounting of the disposition of Colorado River water (U.S. Bureau of Reclamation 2011).

On page III.6-26, to more accurately describe the Colorado River Accounting Surface and the recent magnitude of water use considering the effects of the 2003 Colorado River Water Delivery Agreement, please revise the text to read as follows:

> Renewable energy projects that consumptively use groundwater from either the floodplain, or from near, at, or below the Accounting Surface mapped ~~in the interior parts of~~ for the aquifer, would need to acquire ~~part of California's 4.4 million acre-feet/year Colorado River~~ water ~~allocation~~ from an existing Colorado River water user. In 2013~~Presently~~, 7~~8~~7~~.5~~% of the state's 4.4 million acre-feet/year normal apportionment~~allocation~~ was used by ~~goes to three irrigation districts~~ four entities with senior rights: Palo Verde Irrigation District, Yuma Project (Reservation Division), Imperial Irrigation District and Coachella Valley Water District. The fourth and fifth priority allocations are owned by the Metropolitan Water District of Southern California~~, of which the fifth priority only provides water in years of surplus flows~~ (Metropolitan Water District of Southern California 2009).

On page IV.6-37, to more accurately describe aspects of the governing legal framework and the Colorado River Accounting Surface, please revise the text to read as follows:

- The Colorado River Accounting Surface Method, as defined in USGS SIR 2008-5113 and any future updates, and developed to implement a provision of ~~ordered in~~ the Consolidated Decree of~~by~~ the United States Supreme Court in Arizona v. California, 547 U.S. 150 (2006), shall be the accepted method of determining whether project-related pumping would result in such water being replaced by water drawn from ~~denies~~ the Colorado River ~~of water which it would otherwise receive from its tributary basins~~. If project-related groundwater pumping results in the static groundwater level at the well-being near, equal to, or ~~drawdown~~ below the Accounting Surface ~~is expected~~ in a basin hydraulically connected ~~whose groundwater is tributary~~ to the Colorado River, ~~and all or a portion of that project is on BLM-managed land,~~ that consumption shall be considered subject to the Law of the River (Consolidated Decree~~Colorado River Compact of 1922 and amendments~~). In such cases, BLM shall require the applicant to offset or otherwise mitigate the volume of water causing drawdown below the ~~a~~Accounting ~~s~~Surface. Details of such mitigation measures and the right to the use of water shall be described in the Water Monitoring, Management, and Mitigation Plan.

Of note, in the excerpt above at page IV.6-37, Metropolitan recommends deleting the clause "and all or a portion of that project is on BLM-managed land" because the Law of the River and Accounting Surface Method applies to all lands hydraulically connected to the Colorado River whether publicly or privately owned. *See* 43 U.S.C. §§ 1501, *et seq.* (BCPA); *Arizona v. California*, 547 U.S. 150 (2006); USGS SIR 2008-5113. As such, all applicants within the Accounting Surface area who pump groundwater from a well which causes the static water elevation in that well to decline to below the Accounting Surface should be required to mitigate for potential impacts to the Colorado River regardless of whether the project is on BLM-managed land or not.

As renewable energy Project proponents utilizing groundwater from near, at, or below the Colorado River Accounting Surface would have to obtain water from existing contract holders, Metropolitan is willing to discuss the sale and exchange of a portion of its water supply subject to any required approvals.

In addition, for all alternatives and for projects considered and permitted on federal, non-federal, or private land, Metropolitan requests that mitigation measures be included in the final EIS/EIR requiring all renewable energy Projects to mitigate water use through full use of best available water efficiency measures. Projects must utilize dry-cooled technology or be allowed on a case-by-case basis to utilize hybrid-cooled technologies where this is determined to be necessary. This requirement should be included in the section titled, "Conservation and Management Actions" (CMAs) on page IV.6-32 and in related mitigation measures. First, the last sentence of the first paragraph of this section should be revised as follows to clarify that all CMAs shall be applied to all projects on federal and non-federal lands: "While the CMAs were developed for BLM lands only, ~~this analysis assumes that~~ all CMAs <u>shall</u> ~~would~~ be applied also to nonfederal lands."

Additionally, the last paragraph on page IV.6-32 should be revised to include a requirement for low-water use technology as follows:

> For any project that proposes to utilize <u>surface or</u> groundwater resources, the following stipulated CMAs shall apply, regardless of project location:
>
> - <u>All projects shall use best available water efficiency measures. Projects must utilize dry-cooled technology or be allowed on a case-by-case basis to utilize hybrid-cooled technologies where this is determined to be necessary."</u>

Finally, Metropolitan requests that the text in the final EIS/EIR be revised beginning on page III.5-23 to read as follows:

> The Salton Sea's unique feature as a shallow, closed basin makes it vulnerable to both increases or reductions in inflows, which can in turn dramatically change its elevation. Rising lake levels could cause flooding in tribal reservations, wildlife refuge lands, seaside dwellings, marinas, and boat facilities. Salton Sea water levels could be impacted ~~are threatened~~ by:
>
> - Transfer of water from the Imperial Valley to San Diego.
> - Reduction of California's Colorado River use from the October 2003 Quantification Settlement Agreement (QSA).
> - Possible reclamation of New River water by Mexico.
> - Increased evaporation from the Salton Sea's proposed restoration (related to desalinization from solar evaporation ponds).
>
> The proposed transfer of 300,000 acre-feet (related to the QSA water transfers and other reductions) have reduced water supplies for irrigation in the Imperial ~~and Coachella~~ ~~v~~Valley~~s~~ and could in the future reduce~~d~~ irrigation drainage that previously contributed to inflow to the Salton Sea.
>
> If ~~these~~ inflows are not replaced, Salton Sea water levels could drop an estimated 16 feet or more, exposing almost 70 square miles of sediments. This could cause air quality problems through blowing dust, seaside homes could be stranded far from shore, and concentrations of salts and nutrients could ~~greatly accelerate~~ increase. Although the conserved water transfer from IID has the potential to exacerbate the air and water quality problems at the Salton Sea, those problems would exist in the absence of the transfer. State legislation enacted in 2003 established the Legislature's intent that the State of California undertake restoration of the Salton Sea, and required the Resources Agency to conduct a study to determine a preferred restoration alternative. Federal, state, and local agencies have studied options for restoration, but so far no comprehensive~~firm~~ plan~~s~~ ha~~ve~~s been implemented~~developed~~.
>
> As background, the 2003 QSA enabled California to implement Colorado River water conservation and voluntary agriculture-to-urban water transfer programs, which reduced the state's water demand to its 4.4 million acre-foot apportionment ~~entitlement~~ (SDCWA 2013). It also provided a restoration path for the environmentally sensitive Salton Sea. For more information on the QSA, see III.6.1.1.6 Colorado River Water Accounting.

Conclusion

Metropolitan recognizes that the Draft EIS/EIR for the DRECP constitutes a programmatic level environmental impact assessment under NEPA and CEQA that describes, in general terms, potential environmental, economic, and social effects of the Plan. Metropolitan understands that the precise impacts of individual projects cannot readily be identified at this early planning stage, and additional CEQA and NEPA documents will be prepared to address project-specific analyses when additional information on specific proposed projects is available. Metropolitan requests that the Agencies include Metropolitan on the distribution list for review of all future projects proposed within the DRECP plan area.

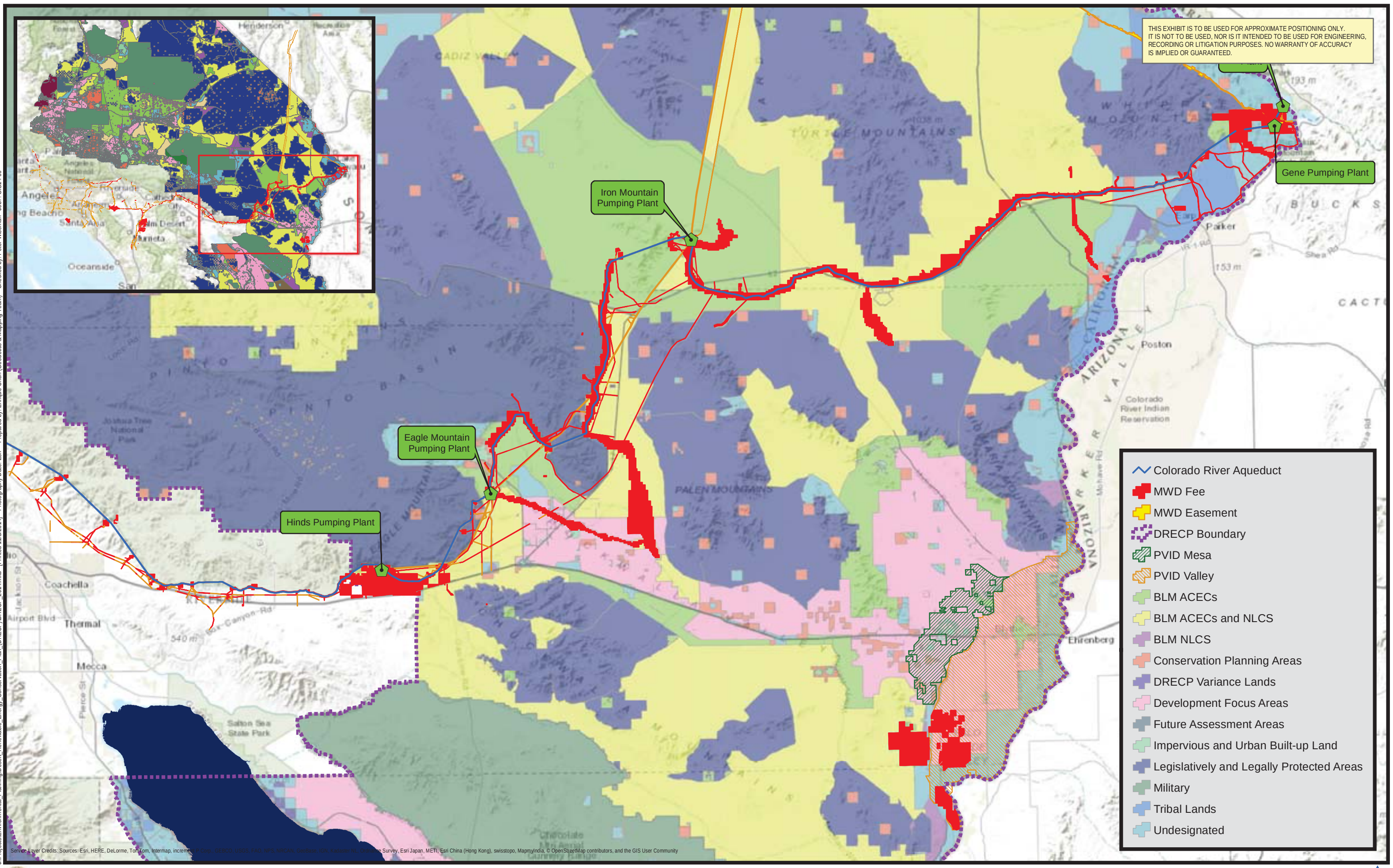
We appreciate the opportunity to provide input to your planning process and we look forward to receiving future environmental and related documentation on this project. If we can be of further assistance, please contact Mr. Michael Melanson at (916) 650-2648.

Very truly yours,

Deirdre West
Manager, Environmental Planning Team

MM:ms
J:\Environmental Planning&Compliance\COMPLETED JOBS\February 2015\Job No. 20150226MIS

Enclosures: Prior comment letters (2) and maps (2)



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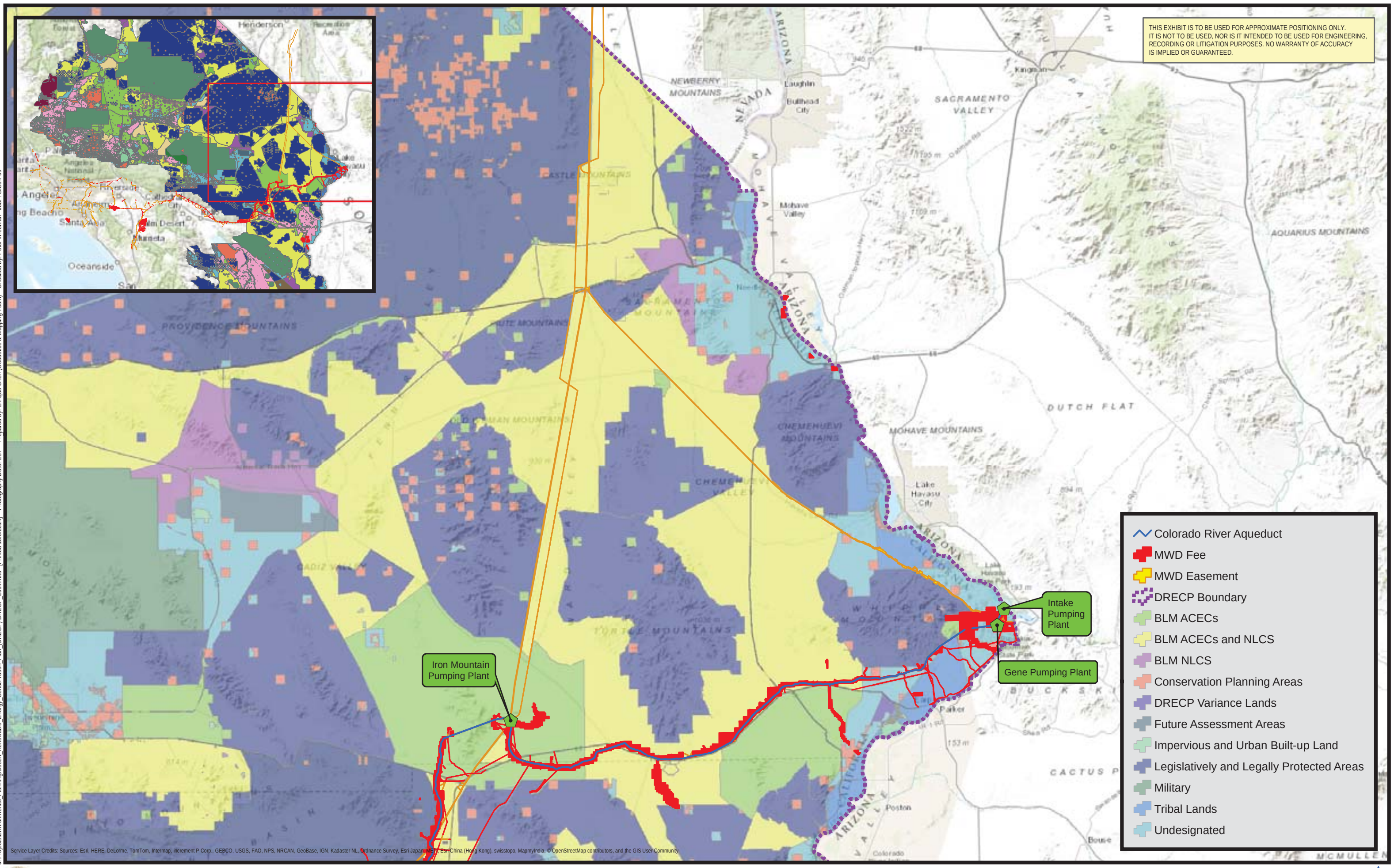
The Metropolitan Water District of Southern California
Engineering Services Group

Desert Renewable Energy Conservation Plan (DRECP)

MWD Interests

Miles 0 2.5 5 10



Desert Renewable Energy Conservation Plan (DRECP)

MWD Interests

The Metropolitan Water District of Southern California
Engineering Services Group

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THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

April 18, 2012 **Via Electronic & U.S. Mail**

Vicki Campbell
DRECP Program Manager
BLM California State Office
2800 Cottage Way, Suite W-1623
Sacramento CA 95825

And

California Energy Commission Dockets Office
MS-4, Docket No. 09-RENEW EO-01 Scoping Comments
1516 Ninth Street
Sacramento CA 95814-5512

To Whom It May Concern:

Notice of Amendment to the Notice of Intent (NOI) to prepare an Environmental Impact Statement for the proposed Desert Renewable Energy Conservation Plan (DRECP), including Kern, Los Angeles, San Bernardino, Inyo, Riverside, Imperial, and San Diego Counties, and Possible Land Use Plan Amendments; initiation of public scoping process

The Metropolitan Water District of Southern California (Metropolitan) has reviewed the Federal Register [Volume 77, Number 65 (Wednesday, April 4, 2012)] Notice of Amendment to Notice of Intent to prepare an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) of 1969, as amended, for the proposed Desert Renewable Energy Conservation Plan (DRECP). The EIS will be a joint Environmental Impact Statement/ Environmental Impact Report (EIS/EIR), for which the United States Fish and Wildlife Service and the Bureau of Land Management (BLM) will serve as co-Lead agencies for the NEPA process and the California Energy Commission (CEC) will serve as the Lead Agency for the California Environmental Quality Act (CEQA) process. The DRECP will then be prepared to meet the requirements of the Federal Endangered Species Act of 1973, as amended, and the State of California's Endangered Species Act and Natural Communities Conservation Planning Act. The BLM, in compliance with the Federal Land Policy and Management Act, as amended, will consider this NEPA process and the resulting DRECP documents in its analysis toward possible amendment of BLM's California Desert Conservation Area (CDCA) Plan of 1980, as amended.

Background

Metropolitan is a public agency and regional water wholesaler. It is comprised of 26 member public agencies serving more than 19 million people in six counties in Southern California. One of Metropolitan's major water supplies is the Colorado River via Metropolitan's Colorado River Aqueduct (CRA). Metropolitan holds an entitlement to water from the Colorado River. The CRA consists of tunnels, open canals and buried pipelines. CRA-related facilities also include above and below ground reservoirs and aquifers, access and patrol roads, communication facilities, and residential housing sites. The CRA, which can deliver up to 1.2 million acre-feet of water annually, extends 242 miles from the Colorado River, through the Mojave Desert and into Lake Mathews. Metropolitan has five pumping plants located along the CRA, which consume approximately 2,400 gigawatt-hours of energy when the CRA is operating at full capacity.

Concurrent with its construction of the CRA in the mid-1930s, Metropolitan constructed 305 miles of 230 kV transmission lines that run from the Mead Substation in Southern Nevada, head south, then branch east to Parker, California, and then west along Metropolitan's CRA. Metropolitan's CRA transmission line easements lie on federally-owned land, managed by BLM. The transmission lines were built for the sole and exclusive purpose of supplying power from the Hoover and Parker projects to the five pumping plants along the CRA.

Metropolitan's ownership and operation of the CRA and its 230 kV transmission system is vital to its mission to provide Metropolitan's 5,200 square mile service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

Metropolitan understands that this amended notice initiates the public scoping process for the EIS and possible RMP amendments. Metropolitan has previously submitted comments regarding issues which may have the potential for direct or indirect impacts to Metropolitan's facilities and operations within the proposed project area. These comments were submitted in a letter dated August 31, 2011 in response to the Notice of Intent published in the Federal Register on Friday July 29, 2011. We have attached a copy of that letter to this transmittal for your consideration, and we again request that the issues described in that letter be addressed in the Draft EIS/EIR for the proposed DRECP project.

We appreciate the opportunity to provide input to your planning process and we look forward to receiving future environmental and related documentation on this project. If we can be of further assistance, please contact Mr. Michael Melanson at (916) 650-2648.

Very truly yours,

Deirdre West
Manager, Environmental Planning Team

DW:rdl

((J:\Environmental Planning-Compliance\Completed Jobs\April 2012\Job No. 2012041801)

Attachment: Letter from Metropolitan to U.S. Fish and Wildlife Service, dated August 31, 2011, regarding Federal Register Notice of Intent July 29, 2011