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California Energy Commission
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Docket No. 09-RENEW EO-01
1516 Ninth Street
Sacramento, CA 95814-5512

SUBJECT: Comments on Draft DRECP and EIR/EIS

Imperial Irrigation District appreciates the opportunity to submit its comments on the draft desert renewable energy conservation plan (a collaborative effort by the California Energy Commission, California Department of Fish and Wildlife, U.S. Bureau of Land Management and U.S. Fish and Wildlife Service), with its associated environmental impact report/environmental impact statement, where the draft DRECP proposes a long-term adaptable plan that streamlines renewable energy permitting while planning for the conservation of threatened and sensitive species and other resources on more than 22 million acres that encompass the Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino and San Diego counties.

IID is the nation's largest irrigation district, delivering approximately 3.1 million acre-feet of water annually to nearly 500,000 acres of farmland and seven municipalities in the southeastern California desert. Additionally, IID is the third largest public power utility in California, serving customers in both Imperial and Riverside counties. IID supports the state and federal coordination efforts to streamline the permitting process and facilitate development of renewable energy projects in southern California, including geothermal development in the Salton Sea known geothermal resource area, to help meet state and federal renewable energy goals.

IID has reviewed the draft DRECP and draft EIR/EIS and has the following comments/concerns specific to the Imperial County plan area:

1. As proposed, the DRECP has the potential to impact numerous existing and proposed IID facilities from both the Water and Energy departments. The district's Energy Department will require additional infrastructure to accommodate the proposed renewable energy development and the Water Department facilities may need to be relocated. All costs incurred by the district to accommodate the renewable energy development will need to be borne by the project developer.

2. As proposed, the DRECP has the potential to impact IID drains by way of site runoff flows and storm water retention facilities of projects that will be developed under the aegis of the DRECP. A comprehensive IID hydraulic drainage system analysis will be required to mitigate these impacts and may include an associated drain impact fee.

3. The plan EIR/EIS should address the biological impacts to IID's drains. Approximately 33.3 percent of water delivered to agricultural users ultimately discharges, as tile and tail water into the IID's drainage system. Reduction in field drainage due to land use conversion has an incrementally negative effect on both drain water quality and volume. This affects drain habitat (flora and fauna) and the elevation and salinity of the Salton Sea (shoreline habitat and exposed acreage that may create air quality impacts). Additionally certain direct-to-sea drains have been identified as pupfish drains which require additional protections under state and federal endangered species acts. The cumulative analysis should also consider the impacts to forage habitat in areas of intensive development. The clustering of renewable energy projects in agricultural areas can cause the loss of much of the foraging habitat normally used by various species including burrowing owl, other migratory birds and small mammals. This loss of habitat is particularly critical for the burrowing owl, a species of special concern in California. The valley supports the largest concentrated population of burrowing owls located primarily within the agricultural portion of the valley. Additional evaluation and more specific mitigation measures should be identified for this species.

4. Furthermore, the EIR/EIS should also contain an assessment or analysis of cumulative impacts considering all non-agricultural facilities whose water use (or potential water use) would reduce the inflow conveyed to IID drains and subsequently, the Salton Sea. As an example, solar facilities are often clustered in one single area because of transmission access; this intensifies the impacts in those areas and in some cases almost completely removes necessary habitat in localized areas.

5. Since there are no set back requirements in agricultural land for covered agricultural species, and most of the expected conservation actions fall under restoration and mitigation in support of restoration of the Salton Sea ecosystem, we recommended compensation for the desert pupfish to include contributions to the restoration of pupfish habitat in San Felipe Creek and Salt Creek watersheds and the creation of shallow saline habitats within the exposed playa around the Salton Sea.

IID is also concerned about the amount of Imperial Valley agricultural land that is identified in the plan for potential development. The DRECP should encourage development in areas with low value agricultural lands in close proximity to existing transmission paths to avoid fostering development of large generation on high value agricultural lands. Wherever possible, the utilization of available transmission capacity should be prioritized to incur less environmental impacts.

6. Avian mortality associated with solar and wind projects have been documented in several areas. Recent losses include the federally endangered clapper rail. Projects permitted under the DRECP will be required to monitor mortality resulting from operations, and implement avoidance, minimization and compensation measures. Since compensation could potentially include mitigation banks, restoration of freshwater marsh habitat could benefit the Yuma Clapper Rail and California Black Rail. Potential areas suitable for such restoration exist along the southern shores of the Salton Sea, and could build off existing restoration plans and projects along the Alamo and New rivers.

7. The last bullet point within the Conservation Management Action (Wetland and Riparian Setbacks AM-DFA-RIPWET-1) is vague in describing the relationship between the DRECP and projects below the existing Salton Sea shoreline. As worded, this CMA appears to preclude any coverage of covered activities on the exposed playa, and states that future analysis would be required for such activities. It appears that IID would be covered for its transmission projects above the shoreline and, if IID elected to apply to become a permittee under the DRECP, the plan would cover renewable energy projects for which they issue a lease. However, anything below the existing shoreline is currently excluded and could not be permitted without further analysis. All areas of the exposed playa have a potential for renewable energy development, including the proven resource identified in the known geothermal resource area is the southern portion of the lake. These areas should be included in the analysis of developable areas.

8. The assumptions relating to the impacts and expected permanent disturbance associated with geothermal and transmission siting, construction, operation, and decommissioning are based on existing layouts of geothermal plants, well fields and generation facilities. Well fields are assumed to consist of a grid of pads with well heads. If development on the exposed playa would be engineered in a significantly different way such that directional drilling results in more surface disturbance then this is not analyzed. Similarly, if roads or ancillary services require substantial reinforcement because of soft soils then land disturbance may be under estimated.

9. The description of solar covered activities includes activities associated with solar thermal and solar photovoltaic development. However, there is no description of covered activities associated with solar saline gradient ponds.

10. IID provides raw (untreated) Colorado River water to agricultural, municipal, industrial and commercial customers within its service area. In the case of renewable energy generators, all new non-agricultural water project supply requests are processed in accordance with the IID's interim water supply policy for non-agricultural projects (see http://www.iid.com/index.aspx?page=152 for a link to the IWSP) and require a water supply agreement prior to operation. In order to enter into a water supply agreement with IID and obtain canal water service for the project, the applicant will be required to comply with all applicable IID policies and regulations. Such policies and regulations require, among other things, that all potential environmental and water supply impacts of the project have been adequately assessed, appropriate mitigation has been developed and appropriate conditions have been adopted by the relevant land use permitting/approving agencies.

11. On May 8, 2012 the IID Board of Directors adopted a temporary land conversion fallowing policy, a policy that requires participation from certain project developers and/or landowners as a condition of water service for new non-agricultural projects. In particular, this policy targets lower water demand projects, such as photovoltaic solar facilities, that require a temporary land use conversion and are permitted by conditional use permits on agriculturally-zoned lands.

12. Renewable energy projects within the IID service area are provided electric service for their facilities' construction, station service and O&M buildings by IID. It is important to note that all costs associated with the relocation and/or upgrades of IID electrical infrastructure to service the project will be the responsibility of the project proponent. However, on occasion IID's energy deliverability is limited around the project area and a circuit analysis is needed in order to identify the types of upgrades to the district's electrical distribution infrastructure necessary to provide service, which can include but is not limited to new, relocated, modified or re-constructed substations, transmission and /or distribution lines.

13. Any construction or operation on district property or within its existing and proposed right-of-way or easements will require an IID encroachment permit, or encroachment agreement (depending on the circumstances), including but not limited to surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water or any other above ground or underground utilities (e.g. power lines).

14. In addition to the district's recorded easements, IID claims, at a minimum, a prescriptive right-of-way to the toe of slope of all existing canals and drains. Where space is limited and depending upon the specifics of adjacent modifications, the IID may claim additional secondary easements/prescriptive rights-of-ways to ensure operation and maintenance of its facilities can be maintained and are not impacted and, if impacted, mitigated. Thus, IID should be consulted prior to the installation of any facilities adjacent to district facilities. Certain conditions may be placed on adjacent facilities to mitigate or avoid impacts to IID's facilities.

15. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, canals, drains, etc.) need to be included as part of the project's CEQA and NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully mitigated. Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.

16. IID suggests that the DRECP should encourage local mitigation plans within the DRECP area that could provide more specific mitigation measures and management strategies for biotic and abiotic resources in those areas. As an example, the inclusion of the Salton Sea Restoration and Renewable Energy Initiative, Imperial County Renewable Energy Plan and the Salton Sea Authority's revised restoration plan could all serve as a mitigation strategy for renewable energy development around the Salton Sea and exposed playa areas. These plans identify specific mitigation strategies for the development of wetland habitats and air quality mitigation in areas of the playa. It could also provide a potential funding mechanism through mitigation fees for development on the playa and potential revenue sharing of land owner revenue from the resource development.

Imperial Irrigation District supports the development of renewable energy and understands the meaning and purpose of the draft Desert Renewable Energy Conservation Plan's goal of providing effective protection and conservation of desert ecosystems while allowing for the appropriate development of renewable energy projects. While we believe the proposed plan does that to a large degree, we have outlined our concerns and hope to provide with these comments some insight as to where the plan should change to help address them. We believe that any approach to implementing the DRECP in the Imperial County Plan Area must be accomplished through a partnership at the local level which takes into consideration the suggestions from local farmers, environmental advocates, governmental and non-governmental entities. We stand ready to continue working with all the agencies involved as this process moves forward.

Sincerely,

Stephen W. Benson

Stephen W. Benson
President, Board of Directors