

**DOCKET****09-AFC-9**DATE APR 19 20104/19/2010 RECD. APR 27 2010

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Subject: Comments on Docket Number 09-AFC-9, "Solar Millennium, Ridgecrest Solar Power Project"

Dear Sir,

In studying the CEC SA/DEIS, a number of serious misstatements/misunderstandings of the management, conservation and use of groundwater in the IWV are offered. These errors have a critical impact on the proposed Conditions of Certification.

On page C.9-35 a pair of sentences are given and are quoted below.

**"However, groundwater is being supplied by IWWVD (water purveyor) under a basin management program. Consequently, any impacts related to groundwater level changes would be managed as part of the overall groundwater management of the IWVGB."**

As I pointed out in my scoping letter, The Indian Wells Valley Cooperative Groundwater Management Group (IWVCGMG) is a self-appointed organization that has no legal authority to do anything. This organization has in fact misrepresented itself to the County of Kern and to the State of California Water Resources Board. There is no groundwater management underway at all, and the IWVCGMG serves primarily as a cover for some of the major pumpers. There is no representative for the private, coop or mutual water well owners nor is there anyone representing the public. This is the principal reason the basin overdraft is not under control. The overdraft simply continues decade after decade in free fall with the inaction of this impotent group.

The Indian Wells Valley Water District (IWWVD) is the principal public agency pumping and serving water (groundwater). The IWWVD has never been required to perform a water assessment and simply continues to sign up new customers in small developments. The rate of water declines in the SW wellfield area have accelerated with the concentrated pumping that the IWWVD is now exercising. This is the precise area that the water for the RSPP would be taken from. The impacts on private and community wells in the area that have overlying use water rights are already significant and in some cases threatening. The water level monitoring program conducted by the Kern County Water Agency documents these declines. The IWWVD has been declared by Kern County to have appropriative rights only for water produced from any new projects unless it can be shown that no damage to the overlying water rights will occur. In a seriously overdrafted basin there is no "surplus" water to be had. The IWWVD is continuing to plan for its Water Supply Improvement Project that in part is being driven by the new requirements for water by the RSPP. This project would double the capacity of certain SW wells and add an additional high capacity well in the same area. The IWWVD appears to be ignoring the Kern County appropriator declaration. There can be no doubt that the basin will be adjudicated to resolve these conflicts.

It is simply not acceptable or legal to use water obtained by a conservation program (cash for grass, low flow shower heads, etc) conducted by the existing property owners within the service area of the IWWVD

to enable yet another new customer. In fact, the California Water Plan (SB 610) requires an approximately 20% reduction in per capita water use against baseline data. Any IWVWD customer conservation water would be actually accounted for in this new requirement and in a functional sense would be used to reduce the overdraft. Where is it stated in any of the Applicant's or CEC's documentation how the applicant will comply with this conservation requirement?

The California Water Code prohibits a serving entity from providing water to new customers at the expense of existing customers. In the case of the RSPP we are talking about a new project that is not a current IWVWD customer and in fact is outside of the service area of the District. Any conserved water should without question be used to offset the overdraft. To try to use this approach as mitigation for water use by Solar Millennium (SM) in a critically overdrafted basin is in contradiction to the proposed Kern County Specific Plan for the IWV that requires an actual offset (e.g., fallowing farm land) in order to accommodate a new water demand.

A source of water for the RSPP that is not discussed in the SA/DEIS would be the wastewater from the Ridgecrest Water Treatment facility. Claims are made that this water is not available. That claim is specious. The water, its treatment and the 15 mile pipeline would be more expensive than getting potable water directly from the IWVWD but given the dire financial situation of the City of Ridgecrest, there is no doubt that water from their facility could be obtained. However, in this critically overdrafted basin even the wastewater is very valuable to our future. I will argue that since the power consumed from the RSPP will be by residents of the cities to the south, the water should actually be supplied by those benefiting. The obvious water source to tap is that being carried by the LA DWP aqueducts that pass through the IWV approximately 10 miles to the west of the project site.

The sole reason the IWVWD entered into the MOU with SM was to secure a new pipeline down S China Lake Blvd. In spite of all kinds of claims to the contrary, the purpose of the peculiar route chosen and the oversized pipe is to serve new housing in the "highland area" of S China Lake Blvd. This land has been coveted by developers for decades (cheap land -no water except to haul and great views). So in fact the RSPP is a growth enabler.

The IWVCGMG has had nothing to say publicly about the District's MOU with Solar Millennium. I can say this with certainty since I have attended virtually all of the meetings of this group for years. I am offering this comment to further emphasize my statement that the IWVCGMG is not in fact managing the groundwater here in spite of the implications of the name. I know what I am talking about. I served as an elected Board member of the IWVWD for nearly 18 years. I spent most of my energy in fact trying to convince other Board members of the absolute need to address our groundwater overdraft. Please reread my comments in my scoping letter. I respectfully ask that this letter be docketed and posted. Signed, Judie Decker

**RIDGECREST SOLAR POWER PROJECT (09-AFC-9)**  
**CEC STAFF DATA REQUEST NUMBERS 132 - 192**

**Technical Area: Soils and Water (AFC Section 5.12 and 5.17)    Response Date: January 25, 2010**

**DR-S&W-162**

**Information Required:**

Please provide the thresholds or levels of significance that were used to evaluate the potential impacts associated with the water supply impacts. The thresholds must consider any and all regulations, management plans, agreements, court orders, and other policies that may apply to the IWV groundwater basin.

**Response:**

In evaluating potential significant impacts to groundwater supplies, the Appendix G, "Environmental Checklist" of the CEQA Guidelines (California Code of Regulations, Title 14, Appendix G, § VIII, subdivision (b)) was considered. Appendix G asks whether the project would "[s]ubstantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)."

To assess the effect of Project pumping, impacts were evaluated using a numerical groundwater model developed by Brown and Caldwell (2009) for the Indian Wells Valley Groundwater Basin and the IWVWD and China Lake Naval Air Weapons Center. Data response 132 and 133 outline revisions to the model to incorporate draught and conditions of future pumping estimated by the District for their well field. The predicted additional drawdown induced by the proposed project water supply at the end of the construction period and end of the operational period of five feet at or more at an adjacent water supply well was considered potentially significant. Figures DR-S&W-133-2 and DR-S&W-133-3 show the differences in water levels from a no-project condition and the proposed Project pumping. As shown, by comparison to the no-project condition, the difference in the water levels in surrounding water supply wells is significantly less than five feet. This informal criterion has been used at many other projects licensed by the CEC as a measure of potential significance in the evaluation of the changes to the water level in surrounding water supply wells. Given that the predicted difference to the no-project simulation is small there is not a significant impact to surrounding water supply wells.

To evaluate if the Project would induce "substantial depletion of an aquifer or would produce a net deficit in aquifer volume", changes to the aquifer storage from the proposed Project pumping were considered. As noted in the AFC and as discussed in DR-S&W-133, the Indian Wells Valley Groundwater Basin has been in overdraft since 1920 and has shown an average water level decline of between 1 to 1.5 feet per year. An estimate of the overdraft is about 20,000 acre-feet per year. Given this condition, any additional water use, and water use proposed by the Project, would contribute to what is already substantial depletion of the aquifer. It is important to note, while the Project pumping would contribute to an already over drafted condition, the contribution from proposed construction water use amortized over the life of the Project and the operational supply amounts to about a 1 percent increase. Nevertheless, the Project is proposing offsets to its proposed water supply as noted under S&W DR-170, 171 and 172.

Consideration of applicable plans and policies was investigated as part of the assessment of criterion of thresholds of significance. The LORS provided in the AFC listed applicable ordinances that were considered in the evaluation of proposed project pumping. There is no groundwater management plan, or court orders for the Indian Wells Valley Groundwater Basin, and the basin is not listed on the State Water Resources Control Board (SWRCB)'s list of adjudicated groundwater basins.