

DOCKETED

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IID Comments per CEC Request for Agency Review of MBGP (23-AFC-01) Project

Additional submitted attachment is included below.



August 24, 2023

California Energy Commission
Docket Unit, MS-4
Docket No. 23-AFC-01, 23-AFC-02, 230-AFC-03
715 P Street
Sacramento, CA 95814-6408

SUBJECT: CEC Request for Agency Participation in the Review of the Morton Bay Geothermal (23-AFC-01), Elmore North Geothermal (23-AFC-02), and Black Rock Geothermal (23-AFC-03) Projects

Dear Commissioners:

On April 18, 2023, BHE Renewables, LLC filed Applications for Certification (AFC) through the CEC to construct and operate three geothermal electrical generating facilities. The proposed Morton Bay Geothermal would have a maximum rating of 157 MW (expected net output of 140 MW) and a water supply demand of 5,560 acre-feet per year. The proposed Elmore North Geothermal would have a maximum rating of 157 MW (expected net output of 140 MW) and a water supply demand of 6,480 acre-feet per year. The proposed Black Rock Geothermal would have a maximum rating of 87 MW (expected net output of 77 MW) and a water supply demand of 1,125 acre-feet per year.

Please accept this communication as Imperial Irrigation Districts' initial comments in anticipation of the environmental scoping meeting that has been scheduled for August 31, 2023. We acknowledge that the deadline for comments is non-specific because the regulations state that agency comments shall be filed at the conclusion of evidentiary hearings, and that said hearing dates have yet to be determined but can be roughly noted as the end of February, 2024.

1) Discussion of those aspects of the proposed sites and related facilities for which IID would have jurisdiction, but for the exclusive jurisdiction of the CEC to certify those sites and related facilities:

Water Facilities- *IID Water Department facilities will be impacted. IID owns, manages and operates numerous canals, drains and respective rights-of-way adjacent to, and in the vicinity of, the proposed project site. The proponents may not use IID's canal or drain banks to access the project site. To determine magnitude of impacts and reduce impacts to IID Water Department facilities the project's plans are to be submitted to IID Water Department Engineering Services Section prior to final project design.*

Energy Facilities- *The distribution rated services will go through the CSP application process. Studies will be required for the proposed loads. Once the study is done, any system upgrades will be the responsibility of the project proponent. The CSP application is available for download at <http://www.iid.com/home/showdocument?id=12923>), in addition IID Energy Department will need electrical one-lines, electrical loads, and panel specifications. Please*

provide the specifications as early as possible because they are long lead items and we want to make sure we approve the panels before they are purchased.

- 2) A determination of the completeness of the list in the AFC's of the laws, regulations, ordinances, or standards that IID administers or enforces and would be applicable to the proposed sites and related facilities but for the CEC's exclusive jurisdiction:**

In order to obtain a water supply from IID for a non-agricultural project such as proposed under the AFC's, the project proponent will be required to comply with all applicable IID policies and regulations and would be required to enter into a water supply agreement. Such policies and regulations require, among other things, that all potential environmental and water supply impacts of the Project be adequately assessed, appropriate mitigation developed, if warranted, including any necessary approval conditions adopted by the relevant land use and permitting agencies. An adequate Salton Sea Impact assessment will be necessary as it relates to the projects requested water supply¹.

- 3) A description of the nature and scope of the requirements that the applicant would need to meet to satisfy the substantive requirements for your agency, but for the CEC's exclusive jurisdiction, and an identification of any analyses that the CEC should perform to determine whether these substantive requirements can be met:**

¹ **Water Resources Section - Salton Sea Impact Assessment.**

The project proponent is requesting, under these three applications, a cumulative water supply from IID of 13,165 AFY. The impacts to the Salton Sea, due to loss or reduction of runoff caused by the proposed industrial use need to be analyzed in the environmental document. Due to the potential loss or reduction of 13,165 AFY of inflow to the Salton Sea and to IID drains with its concurrent environmental impacts, developer should address this issue as well as provide analysis that the project does not negatively impact the IID Water Conservation and Transfer Draft Habitat Conservation Plan (HCP), the existing Section 7 Biological Opinion and the California Endangered Species Act (CESA) Permit 2081.

An assessment or discussion of cumulative impacts considering other non-agricultural facilities whose water use (or potential water use) would reduce the inflow conveyed to IID drains and the Salton Sea is necessary, particularly those intended to be carried out by BHE Renewables which cumulatively amount for a potential water loss and/or reduction to the Salton Sea of over 43,000 AFY. It is advisable that project proponent present a cumulative impact analysis on inflow to IID drains and the Salton Sea.

The following are access links to the documents mentioned:

- The HCP is part of the IID Water Conservation and Transfer Project, Final EIR/EIS and can be found at [Water/Library/QSA-Water-Transfer/Environmental-Assessment/Permits/Final EIREIS](#); Volume II, Appendix A Species Covered by the HCP. The HCP in the Draft EIR/EIS may contain small changes from the final version of the EIR/EIS. It is in a different appendix in the draft that the final EIR/EIS (Appendix C). Until the final HCP/Natural Community Conservation Plan is approved, IID uses the draft HCP in the draft document, which can be accessed at [Water/Library/QSA-Water-Transfer/Environmental-Assessment](#)).
- The Biological Opinion (federal ESA permit) is at <https://www.iid.com/Imperial-Irrigation-District/Salton-Sea-Areas>.
- The CESA 2081 (the water transfer operates under this state ESA permit until the NCCP is approved) can be found at <https://www.iid.com/water/library/qa-water-transfer/environmental-assessments-permits/cesa-compliance>.

The MMRP (Mitigation Monitoring and Report Program) is at <https://www.iid.com/Water/Library/QSA-Water-Transfer/Mitigation>.

Any construction or operation on IID property or within its existing and proposed right of way or easements 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; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions for its completion are available at <https://www.iid.com/about-iid/departments-directory/real-estate>. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements. No foundations or buildings will be allowed within IID's right of way.

If IID implements a water allocation or apportionment program pursuant to the IID Equitable Distribution Plan, or any amending or superseding policy for the same or similar purposes, during all or any part of the term of said water supply agreement, IID shall have the right to apportion the respective project's water as an industrial water user. For more information on how to obtain a water supply agreement, please visit IID's website at <https://www.iid.com/water/municipal-industrial-and-commercial-customers> or contact Justina Gamboa-Arce at (760) 339-9085 or jgamboaarce@iid.com."

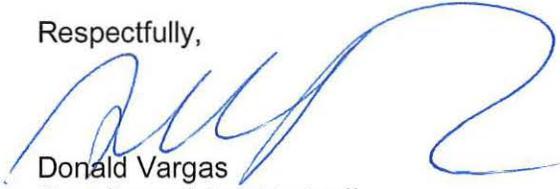
Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, water deliveries, canals, drains, etc.) need to be included as part of the project's California Environmental Quality Act (CEQA) and/or National Environmental Policy Act (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 analyzed. 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.

4) An analysis of whether there is a reasonable likelihood that the proposed projects will be able to comply with your agency's applicable substantive requirements:

IID works closely with project proponents to address developer water supply requests in the context of existing policies and current water supply and demand conditions. Water supply analyses and more comprehensive demand planning occurs through the CEQA process and in Water Supply Assessments, for which Imperial County is the lead agency.

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,


Donald Vargas
Compliance Administrator II