

DOCKETED

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Imperial County Planning & Development Services Planning / Building

April 09 2024

Jim Minnick
DIRECTOR

California Energy Commission
Attention: Lisa Worrall, Project Manager
Lisa.worrall@energy.ca.gov

SUBJECT: Perkins Renewable Energy Project (24-OPT-01)

Dear Ms. Worrall:

The Imperial County Planning & Development Services Department (ICPDS) appreciates the opportunity to comment on the proposed Perkins Renewable Energy Project (24-OPT-01). The project proposes 1,150 megawatts solar photovoltaic facility, a 1,150 megawatts BESS, a gen-tie, substation, operation and maintenance yard and facility, BAAH switchyard, 2 kilovolt loop-in transmission lines and up to 4 new on-site groundwater wells. The project as proposed consists of 6,126 acres, of which, 515 acres consists of private land zoned as S-2 (Open Space / Preservation) per Imperial County' Title 9 Land Use Ordinance, Division 5 with the remaining 5,611 acres classified as federal lands. The County understands that the project is being processed through the CEC via AB 205.

The project proposes the development of up to 4 new water wells and the County has a vested interest in the protection of our groundwater resource and has done so through various ordinances for 52 years. Per the Sustainable Groundwater Management Act (SGMA) AB 1739 and SB 1168 both state under Section 1 (b) "it is, therefore, the intent of the legislature to do all of the following (1) To provide local and regional agencies the authority to sustainably manage groundwater...(5) To recognize and preserve the authority of cities and counties to manage groundwater pursuant to their police powers."

Additionally, the Imperial County Groundwater Appropriation Ordinance was approved and effective in 1972, the Water Well Ordinance approved and effective in 1980, the Ground Water Ordinance approved and effective in 1996 and affirmed in 1998 and revised in 2004 under **Imperial County Codified Ordinance Title 9 Land Use Ordinance, Division 22 "Groundwater Management Ordinance"** which was "adopted for the purpose of preserving, protecting and managing the groundwater within the County...protection is necessary to ensure availability of groundwater reasonably required to meet the present and future beneficial needs of the County." The ordinance governs the extraction, exportation, availability, etc. of Imperial County's groundwater resources.

As part of Imperial County's groundwater management, **Title 9, Division 21 "Water Well Regulations" Chapter 2 "Permits" § 92102.00 "Permits Required"** states:

A. Conditional Use Permit: No person shall (1) drill a new well, (2) activate a previously drilled but unused well, (unused shall mean a well or wells that have not been used for a 12 month) period by installing pumps, motors, pressure tanks, piping, or other equipment necessary or intended to make the well operational, (3) increase the pumping capacity of a well, or (4) change the use of a well, without first obtaining a Conditional Use Permit (CUP) through the County Planning & Development Services Department.

B. Well Construction Permit: No person shall dig, bore, drill, deepen, enlarge, refurbish, or destroy a water well, cathodic protection well, observation well, monitoring wells or any other excavation that may intersect ground water without first obtaining a well construction permit through the Planning & Development Services Department. As a prerequisite to applying for a water well construction permit, the Planning & Development Services Department shall first determine whether a conditional use permit is required.

Therefore, after reviewing the project information provided as it pertains to SGMA and Imperial County's Ordinance, it is determined that a Conditional Use Permit (CUP) is required for the proposed water wells regardless of property ownership, in order to manage and protect the County's vital groundwater resource. ICPDS requests the applicant submit a CUP application for the water wells and the County proposes to utilize the CEC's environmental review for its entitlement process.

ICPDS requests to be informed of any changes or modifications to the project to verify any additional requirements that may be triggered by the change.

Should you have any questions regarding this matter, please feel free to contact Derek Newland, Planner III at (442) 265-1736, extension 1756 or via-email at dereknewland@co.imperial.ca.us.

Sincerely,



JIM MINNICK, Director
Planning & Development Services

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