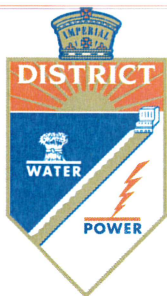


DOCKETED	
Docket Number:	23-AFC-02
Project Title:	Elmore North Geothermal Project (ENGP)
TN #:	257957
Document Title:	Imperial Irrigation District Comment Letter CEC NOA of the PSA
Description:	N/A
Filer:	System
Organization:	Imperial Irrigation District
Submitter Role:	Public
Submission Date:	7/23/2024 2:29:07 PM
Docketed Date:	7/23/2024

Comment Received From: Imperial Irrigation District
Submitted On: 7/23/2024
Docket Number: 23-AFC-02

**IID Comment Letter CEC NOA of the PSA for the Elmore North
Geothermal Plant (23-AFC-02)**

Additional submitted attachment is included below.



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July 23, 2024

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

SUBJECT: Notice of Availability Preliminary Staff Assessment for the Proposed Elmore North Geothermal Project

Dear Commissioners:

On June 14, 2024, the California Energy Commission published the Notice of Availability of the Preliminary Staff Assessment (CEQA EIR equivalent) for the Elmore North Geothermal Project. The applicant, Elmore North Geothermal, LLC, an indirect, wholly owned subsidiary of BHE Renewables, LLC; proposes to establish a 157-megawatt electricity generating facility powered by steam sourced from super-heated geothermal brine. The project would provide generated electricity via a new 0.5-mile gen-tie line to deliver power to a new IID switching station to be built adjacent to the project site (at Garst and Sinclair Roads). The project will be located on a 51-acre portion of an approximately 140-acre parcel approximately six miles northwest of the town of Calipatria, California.

The IID has reviewed the PSA and found that the district's comments submitted to the CEC on August 24, 2023 (enclosed) continue to apply except those superseded by the following remarks:

Energy Department Comments

1. At the August 24, 2024 WebEx meeting held between California Energy Commission, Jacobs, BHER and IID staff; among them Eric Veerkamp, Project Manager at the CEC, Jerry Salamy from Jacobs, environmental consultant for the BHER projects (Black Rock Geothermal Project, Morton Bay Geothermal Project, and Elmore North Geothermal Project), and Jon Trujillo from CalEnergy/BHE Renewables, given the essential role that the line between the proposed IID switching station and the transmission line connecting to the Coachella Valley substation plays in the feasibility of the BHER projects, the CEC agreed that it should be considered a part of the BHER projects in the same manner as the gen-tie lines and the switching station. However, this component was not included in the Preliminary Staff Assessment for the Elmore North Geothermal Project. In general, if an activity or facility is necessary for the operation of a project, or

necessary to achieve the project objectives, or a reasonably foreseeable consequence of approving the project, then it should be considered an integral project component that should be evaluated within the environmental analysis.

2. Notwithstanding the previous comment, the Elmore North Geothermal Project is still going through the IID study process. Previously IID completed a system impact study and a draft of the facility study but due to projects dropping out of the district's interconnection queue, the current SIS and FS for the project are no longer valid, and the project will have to be restudied. Consequently, to properly assess for potential project impacts and determine if the project will require or result in the relocation or construction of new or expanded electric power facilities, the construction or relocation of which could cause significant environmental effects, these studies will have to be performed. Any system improvements or mitigation identified in such studies to accommodate the project shall be the responsibility of the projects' proponent and should be included as part of the project for environmental assessment purposes.
3. Dividing a project into two or more pieces and evaluating each piece in a separate environmental document (Piecemealing or Segmenting), rather than evaluating the whole of the project in one environmental document, is explicitly forbidden by CEQA, because dividing a project into a number of pieces would allow a Lead Agency to minimize the apparent environmental impacts of a project by evaluating individual pieces separately, each of which may have a less-than-significant impact on the environment, but which together may result in a significant impact. Segmenting a project may also hinder developing comprehensive mitigation strategies. In general, if an activity or facility is necessary for the operation of a project, or necessary to achieve the project objectives, or a reasonably foreseeable consequence of approving the project, then it should be considered an integral project component that should be analyzed within the environmental analysis. The project description should include all project components, including those that will have to be approved by responsible agencies. The State CEQA Guidelines define a project under CEQA as "the whole of the action" that may result either directly or indirectly in physical changes to the environment. This broad definition is intended to provide the maximum protection of the environment. CEQA case law has established general principles on project segmentation for different project types. For a project requiring construction of offsite infrastructure, the offsite infrastructure must be included in the project description. *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App. 4th 713.

Water Department Comments

1. Page 1-5 Executive Summary - Under Land Use, Agriculture and Forestry it is stated that the project may "potentially encroach on water use rights of IID" but the

document provides no explanation as to how and it is not addressed anywhere elsewhere in the document.

2. Page 1-6 Executive Summary - Under Water Resources, it is stated "In response to concerns raised by CEC staff regarding IID's ability to reliably provide 13,165 AFY for all three geothermal projects, IID has given assurance to CEC staff that IID has the necessary confidence and management history that they can reliably supply the water needed for these projects." Please modify the statement to read "In response to concerns raised by CEC staff regarding IID's ability to reliably provide 13,165 AFY for all three geothermal projects, IID has given assurance to CEC staff that IID has the necessary confidence and management history that they, in coordination with the project proponent, can reliably conserve the water supply the water needed for these projects."
3. Page 3-7 Project Description, 3.3 Construction, identified the related facilities for water, including a water supply pipeline and conveyance pipeline. Please note and recognize that on-site water storage pond facilities are necessary, consistent with Regulation No. 13 of IID's Water Rules and Regulations in order to accommodate the identified water supply demand. Industrial users are required to construct a facility to hold water of a minimum volume equal to six days (based on 24 hours) of the peak daily use demand in accordance with the IID policy of six-day canal cutouts for maintenance and construction.
4. Page 3-28 Project Description, 3.9 Facility Availability and Reliability – Fuel and Water Availability, narrative states "The IID is responsible for the operation and maintenance of the water supply system upstream of the water transfer point. Because this IID supply system is already in place, upgrades to the existing water supply system are expected to be minor." The Water Supply Assessment prepared for the Elmore North Geothermal Project is not referenced anywhere in this preliminary staff assessment. Please reference and incorporate the Water Supply Assessment that was completed for the Project. Identify the IID canals (Vail 3 and Vail 2) proposed to be used for the project's water supply. Assessment should note that the Vail system runs at capacity about 30 days a year. Upgrades are expected to be needed to IID's canal distribution system to accommodate all the planned development, as cumulatively identified in the document (including the three BHE projects). Share of cost may be necessary. The Vail Canal can only provide 285 CFS of water to the Vail Area. Demand during peak periods for the farms is near 400 CFS. A steady order for the geothermal plants would reduce the maximum actual water available for farms to 265 CFS without proper mitigation. Preliminary mitigation alternatives are identified by IID, including a new reservoir, or improvements to existing IID reservoir systems on or near the Vail Canal, that would address the additional demand of the project. The most efficient way of providing the extra water for the planned development, without diminishing water supplies for the farmland may be a special reservoir dedicated to the supply of

water to the plants. Other system improvements that may be needed include but are not limited to culvert and/or pipeline upsizing to prevent bottlenecks. A study to review alternatives for feasibility, and select the preferred mitigation alternative is required.

5. Page 5.2-4 Production Wells, Well Pads, and System Pipelines. System pipelines are proposed to cross IID's Pumice Drain along Sinclair Road, west of Garst Road. The proposed system pipelines will impact IID's access and ability to operate and maintain Pumice Drain. Construction of pipeline in Pumice Drain in the area where system pipelines will cross is required. Said impacts will need to be noted and assessed in this environmental document (under assessment by engineering team) or with a supplemental environmental document.
6. Page 5.2-88 Biological Resources. The exact drains that pupfish are being stated to occupy are not identified, and instead roads are identified. The corresponding drains to these roads should be the following: P Drain, O Drain, Vail 5 Drain north of McKendry Road, Vail 5A north of Salton Sea Berm, Vail 6 at Lack and Lindsey Pond. These drains should be specifically identified. There no other "channels" in which IID is aware of in this area.
7. Page 5.14-1 Transportation. Existing water conveyance pipe crossing(s) and culverts under transportation corridors, and canals and drains parallel with these corridors, that require upsizing, may impact the transportation facilities either directly and/or indirectly and said impacts will need to be noted and assessed in this environmental document or with a supplemental environmental document (this item is currently under assessment by IID Water Department engineers).
8. Page 5.16-13 Water Resources, Section f. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? The Water Supply Assessment prepared for the Elmore North Geothermal Project is not referenced anywhere in this preliminary staff assessment. Please reference and incorporate the Water Supply Assessment that was completed for the Project. Second Paragraph – Modify the sentence "IID's Interim Water Supply Policy (IWSP) for non-agricultural projects (IID 2009) sets aside 25,000 AFY for non-agricultural use by means of water efficiency conservation programs" to read "*Under IID's Interim Water Supply Policy (IWSP) for non-agricultural projects (IID 2009) the District may conserve and sets aside up to 25,000 AFY for non-agricultural use by means of water efficiency conservation projects and/or programs.*" Third Paragraph – Modify the sentence "In a meeting on March 7, 2024, IID reassured CEC staff that the obligations to water agreements for the three BHER geothermal projects would be fulfilled (CEC 2024i)" to read "In a meeting on March 7, 2024, IID reassured CEC

staff that the obligations to *under any future water supply agreements entered into by IID* for the three BHER geothermal projects would be fulfilled (CEC 2024i)."

9. Page 5.16-14 Section 5.16.2.3 Water Resources, Cumulative Impacts. Modify fourth sentence of first paragraph that reads "Based on an IID email communication, two Will-Serve Letters have been issued to other customers for a total of 6,380 AFY as of January 2024 (IID 2024)" to state "Based on an IID email communication, two *water supply agreements and one* Will-Serve Letters have been issued to other customers for a total of 6,380 AFY as of January 2024 (IID 2024)".
10. Page 5.16-15 Section 5.16.2.3 Water Resources, Cumulative Impacts. Strike last sentence of first paragraph: "~~Since specific projects are speculative at this time, a cumulative impacts analysis regarding water supply cannot be provided.~~" A cumulative impact analysis should be made using the recent existing and permitted projects identified earlier in this document under Table 1-2 Master Cumulative Project List, in addition to the three BHE geothermal projects. The projects include Hell's Kitchen, EnergySource Minerals (Atlas) and Hudson Ranch Geothermal.
11. Page 5.16-20 Water Use and Reporting. COC Water-8/MM Water-8 shall be amended to read as noted "Supply of fresh water for the project construction will be provided by the IID. The project owner shall enter into ~~an~~ *a water supply* agreement with IID in accordance with the IWSP. Project water use for project construction shall not exceed 365 acre-feet. Project operation water use shall not exceed 6,500 AFY. The project owner shall record daily water use for the project's construction and operation. The project owner shall comply with the water use limits and reporting requirements described below."
12. Page 6-11 Section 6.2 Environmental Impacts. This section should be updated to be consistent with all of the comments incorporated herein.
13. An independent assessment on Salton Sea impacts was submitted by BHE to IID on July 11, 2024. The assessment should be incorporated into the Preliminary Staff Assessment.
14. IID water facilities that could be impacted include the Vail Lateral 3 and the Pumice Drain.
15. The project may impact IID drains with project site runoff flows draining into IID drains. To mitigate impacts, the project may require a comprehensive IID hydraulic drainage system analysis. The drainage system analysis includes an associated drain impact fee.

16. To properly assess the impacts to IID water facilities, applicant should submit project plans, including grading & drainage and fencing plans, to IID Water Department Engineering Services for review and comment prior to final project design approval. Early review of gen-tie transmission line alignments is required to assess impacts to canals and drains before alignments are finalized. IID WDES can be contacted at (760) 339-9265 for further information on this matter.
17. For construction water information, the applicant must contact IID North End Division at (760) 482-9900. A water supply agreement is required for industrial canal water service.
18. For information regarding water supply policies and long-term water supply requests, the applicant should contact Ms. Justina Gamboa-Arce, IID senior water resources planner, at (760) 339-9085 or e-mail Ms. Gamboa-Arce at jgamboarce@IID.com.
19. IID encroachment permit(s) are required for temporary construction water, construction drainage, and construction access crossing canals and drains. IID canal and drain banks are not to be used or obstructed during construction of the project.
20. Any abandonment of IID easements or facilities will be approved by the district based on systems (irrigation, drainage, Power, etc.) needs.
21. An IID encroachment permit is required to utilize existing surface-water drainpipe connections to drains and receive drainage service from IID. Surface-water drainpipe connections are to be modified in accordance with IID Water Department Standards.
22. In addition to IID'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 IID's 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 IID's facilities. Certain conditions may be placed on adjacent facilities to mitigate or avoid impacts to IID's facilities.
23. Project site access driveways may require pipelining, which would be performed by IID per the district's Water Dept.'s Developer Project Guide (available at <https://www.iid.com/home/showpublisheddocument/2328/637838050015000000>).
24. Project fencing is to be set back from IID canal and drain banks.

Given the numerous changes the IID is proposing to the PSA, the district respectfully requests that the CEC allow for an extension of time for proper review by IID of an updated PSA.

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

Enclosure

DOCKETED	
Docket Number:	23-AFC-02
Project Title:	Elmore North Geothermal Project (ENGP)
TN #:	251870
Document Title:	Imperial Irrigation District Comments - per CEC Request for Agency Review of ENGP Project
Description:	N/A
Filer:	System
Organization:	Imperial Irrigation District
Submitter Role:	Public Agency
Submission Date:	8/24/2023 3:44:57 PM
Docketed Date:	8/24/2023

Comment Received From: Imperial Irrigation District
Submitted On: 8/24/2023
Docket Number: 23-AFC-02

IID Comments per CEC Request for Agency Review of ENGP (23-AFC-02) Project

Additional submitted attachment is included below.



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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."

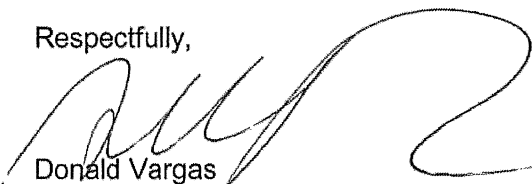
Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, water deliveries, canals, drains, etc.) need to be included as part of the project's California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