

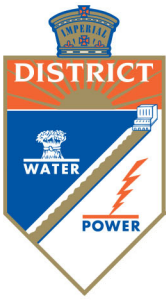
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*Comment Received From: Jamie Asbury  
Submitted On: 9/4/2024  
Docket Number: 23-AFC-01*

## **The Imperial Irrigation District's Joint Comments to Proposed BHER Geothermal Projects**

Please see the attached comment letter submitted on behalf of the Imperial Irrigation District regarding the Preliminary Staff Assessments for the proposed Morton Bay, Elmore North, and Black Rock Geothermal Projects.

*Additional submitted attachment is included below.*



# IID

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September 4, 2024

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

SUBMITTED VIA CEC'S E-COMMENT SYSTEM

**Re: Written Comments of the Imperial Irrigation District on the Preliminary Staff Assessments for the Proposed Morton Bay, Elmore North, and Black Rock Geothermal Projects**

Dear Commissioners,

The Imperial Irrigation District ("IID") appreciates the opportunity to comment on the Preliminary Staff Assessments ("PSAs") for the Morton Bay ("MBGP"), Elmore North ("ENGP"), and Black Rock ("BRGP") Geothermal Projects (together, the "Projects") to be developed by subsidiaries of BHE Renewables, LLC (collectively, "BHER"), published by California Energy Commission ("Commission" or "CEC") staff between June 14, 2024, and July 11, 2024. This comment letter entirely supersedes the ENGP comment letter IID submitted on July 23, 2024.

In general, IID is supportive of the Projects, which will add to the Imperial Valley's status as a thriving geothermal energy production hub and supply California with 357 megawatts ("MW") of carbon-free "firm" energy to help advance the State's renewable energy goals. As detailed below, IID has reviewed the Projects' PSAs and provides the following recommendations: (1) certain anticipated construction, operational and/or management impacts of the Projects would benefit from additional analysis, (2) all substantive elements of the Projects should be considered to the extent possible, and (3) certain factual errors or omissions should be corrected as part of the drafting of the Final Staff Assessments ("FSAs").

IID is the water and electrical utility providing public utility services to the area within which the Projects are located. IID is anticipated to be the provider of raw water and retail power supply to the Projects and, as the operator of the electric transmission grid into which the Projects are anticipated to interconnect, IID would be the exporter of power to external entities via transmission wheeling. IID is also the owner of real property and facilities that are involved in the Projects. Therefore, IID would need to give approvals to, and enter into various agreements with, the Projects' owners, including water services agreements,

electric grid interconnection agreements, transmission service agreements, and real estate agreements, among others.

IID is a Responsible Agency under the California Environmental Quality Act (“CEQA”) for discretionary decisions IID would need to make related to the Projects. The Commission is the Lead CEQA agency. As a Responsible Agency, IID’s CEQA review will be based on the environmental documents produced by the Commission through its Application for Certification (“AFC”) process. Therefore, to the extent possible, IID encourages the Commission to prepare environmental review documents that encompass the Projects’ features related to the discretionary decisions IID will be required to undertake, approve, or require of BHER in connection with the Projects. To the extent that the Commission’s environmental review does not encompass features of that Projects that require IID actions or approvals, separate environmental review will need to be performed to satisfy CEQA before such actions or approvals take place.

The below comments address: 1) construction, operation, and/or management impacts attributable to all Projects or to an individual geothermal project; and 2) requested textual revisions to correct errors or omissions in each PSA.

## **I. Construction, Operation, and/or Management Impacts of the Projects**

### **a. Comments Applicable to All Projects**

#### **i. The IID water supply canals that would serve the Projects are subject to high demand and face capacity limitations.**

BHER has, through Jacobs Engineering, submitted to the Commission draft reports assessing the availability of water supply to meet the respective Projects’ projected needs (“Water Reports”).<sup>1</sup> These documents were docketed, but not incorporated into the water supply analysis in the Projects’ PSAs.

According to the Water Reports, water supply for the Projects is anticipated to be provided by IID and to be delivered through IID’s canal systems. Specifically, ENGP will be served by the Vail 3 and 2A laterals, MBGP will be served by the N and P laterals, and BRGP will be served by the Vail 4 and 4A laterals.<sup>2</sup> Each of the Projects will receive canal water through new primary and backup industrial gates.

The Vail canals and N and P lateral system are already subject to high demand during peak agricultural usage periods. The additional demand caused by each Project may exceed the capacity of these canal systems during certain times of the year. In particular, ENGP and BRGP both receive water from the Vail canal, meaning that the Projects’ demands will compete for canal capacity. In addition, although MBGP will not share a canal with the other two BHER projects, it will share the N lateral with the Energysource

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<sup>1</sup> MBGP Docket No. 256893; ENGP Docket No. 256894; BRGP Docket No. 256895.

<sup>2</sup> The MBGP and ENGP PSAs incorrectly state that the N and O lateral systems will serve the two projects. The correct laterals should be noted as the N and P laterals, as stated in the Water Reports.

Hudson Ranch Lithium project, which has been approved and is scheduled for construction. Further, the Projects' locations near the terminus of their respective supply canals, as well as annual planned water supply outages necessary for IID maintenance, operations, weed control, and construction work,<sup>3</sup> would present additional challenges to IID's ability to provide uninterrupted water supply to the Projects.

IID and BHER are currently in active discussions to address the above capacity and supply considerations. Operational procedures and measures to address water supply canal capacity and outages would have to be formalized either in the Projects' water supply agreements with IID or in separate agreement(s).

- ii. The final Water Reports should be formally analyzed and incorporated into the broader AFC process, and a cumulative impacts analysis of the Projects' water use in conjunction with other planned or anticipated industrial water users should be included.**

The June 13, 2024, Water Reports contain crucial analyses of the Projects' water needs as compared to the amount that can be supplied by IID. These documents are currently not incorporated in the PSAs but should be considered in the Commission's broader AFC process in order to adequately evaluate whether the projected water supplies will be sufficient to satisfy the demands of the Projects. Analysis of these reports is particularly important given anticipated requests that IID supply industrial process water to all proposed future geothermal/lithium extraction projects sited within the Imperial Valley.

The Water Reports analyses determined that the Projects, taken together, would require 13,165 acre-feet per year ("AFY") of water. This amount constitutes over 70 percent of the total unallocated water supply remaining as of the date of this letter (i.e., 18,620 AFY) that IID makes available to industrial projects under its Interim Water Supply Policy ("IWSP"). Under the IWSP and any other policy or program to procure water for the Projects, conservation programs/projects would need to be implemented to achieve water conservation to offset the volumes of water requested over the life of the Projects, and BHER would be required to pay the applicable fees/costs for those conservation programs/projects.

In addition, the PSAs do not currently include a cumulative impacts analysis of the Projects' water needs in conjunction with other planned industrial water uses within close proximity to the Projects' areas. The PSAs do contain a Master Cumulative Projects List, which identifies other industrial projects in various stages of entitlement and construction located within eight miles of the Projects, that can provide a basis for such a review. Using

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<sup>3</sup> Outages for construction work typically occur for one week each calendar quarter.

this list, a cumulative analysis would better determine whether there is sufficient water to meet those requests.

**iii. The Projects will result in reduced agricultural return flows to IID drains and into the Salton Sea.**

The Projects will result in the loss of agricultural return flows to IID drains and into the Salton Sea by taking currently irrigated acreage out of agricultural use. The reduction in drainage flows and Salton Sea inflow will result in hydrological and biological effects that may impact sensitive species that use IID drains and the Salton Sea for habitat, such as the desert pupfish and the Yuma Ridgway's Rail.

The PSAs note that a study of reduced flows is currently underway, but that the anticipated reduction is expected to be small and, as such, less than significant. A sufficient assessment of the effects of these reduced flows requires a hydrological study that rigorously analyzes return flow reductions at a thorough and granular level, and then assesses the biological and other environmental (e.g., air quality) impacts of those hydrologic changes. The PSAs initial conclusions that return flow reductions are less than significant—to both the hydrological effects of flow reductions and the biological effects to special status species and their habitat—is not sufficiently supported.

To this end, IID is presently in discussions with BHER to discuss the scope and analysis most appropriate for a reduced flow assessment and the process by which the conclusions of such an analysis will be integrated into future water supply agreements.

**iv. IID is reviewing the electrical infrastructure upgrades required for the Projects.**

IID previously completed system impact studies and facility studies to determine the nature and extent of new or upgraded electrical infrastructure required to accommodate the power generated by the Projects on IID's transmission system. However, IID is currently reevaluating those studies due to the withdrawal of other development projects that were ahead of the Projects in the interconnection queue. The nature and extent of new or upgraded facilities that will accommodate the power generated by the Projects is therefore speculative and uncertain at this time. IID expects that environmental review will be conducted on any new or upgraded electrical infrastructure once the reevaluations are completed.

In addition to analyzing the infrastructure upgrades for transmission of the power generated by the Projects, IID must also consider whether upgrades are necessary for IID to supply distribution level electric service to the Projects. This process requires that BHER complete and submit to IID an Application for Service. The application must identify the total load required by all three Projects, as it is possible that some or all Projects will share distribution infrastructure. Once IID has received a complete application, it can determine what upgrades may be necessary and how to physically route the power to

each of the Projects. BHER should complete this Application for Service as soon as possible to ensure that the impacts of supplying power to the Projects can be examined under the CEC's AFC process.

**v. The CEC's review should analyze impacts associated with IID water delivery facilities.**

Any improvements or modifications required as a result of the Projects to IID physical facilities or changes to existing operations of IID facilities should be described and evaluated by the Commission for potential environmental impacts. This includes new industrial delivery gates that would be installed to serve the Projects. Further, in instances where pipelines and other equipment that service the Projects will cross IID drains, canals, or other IID infrastructure, the CEC's review should analyze any impacts associated with modifications necessitated by those crossings. Impacts may include how such crossings will affect IID's ability to access and maintain the affected infrastructure and whether their construction and/or operation will affect any associated habitat.

**vi. Requested General Conditions for all Projects**

The Projects' designs must comply with all applicable IID standards. As such, IID requests that the Commission incorporate the below standards as conditions of approval for the AFCs:

1. Any new, relocated, upgraded, or reconstructed IID facilities required for and by the Projects (which can include, but is not limited to, electrical distribution lines, water deliveries, canals, drains, etc.), and any required rights-of-way, easements, or encroachment agreements should be included and studied as part of in the Commission's AFC process. This includes any transportation impacts as a result of modifications or upsizing of water infrastructure that runs in proximity to or underneath roadways. Any and all mitigation necessary as a result of the construction, relocation, and/or upgrade of IID facilities is the responsibility of BHER.
2. BHER should demonstrate that the Projects will not impact IID's ability to fulfill the IID's ongoing mitigation obligations, given that the Projects will reduce agricultural return flows to specific drains resulting in direct and indirect impacts to certain species and habitats, such as desert pupfish, Yuma Ridgway's rail, wetlands, and the Salton Sea. IID's obligations include mitigation of drain impacts resulting from the 2003 QSA, which resulted in reduced flow into IID drains system-wide.
3. To properly assess impacts to IID water facilities, BHER should submit project plans, including drainage erosion and sedimentation control, grading and drainage, and fencing plans to IID Water Department Engineering Services ("WDES") 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.

4. Construction stormwater permits from the California Regional Water Quality Control Board (“CRWQCB”) are required before commencing construction. Copies of these permits and the Storm Water Pollution Prevention Plans for the Projects are to be submitted to IID prior to commencement of construction of the Projects. Industrial storm water permits from CRWQCB are required for operation of the proposed Projects. Copies of these permits are to be submitted to IID prior to completion of construction of the Projects.
5. For construction water information, BHER must contact IID North End Division at (760) 482-9900. A water supply agreement is required for industrial canal water service.
6. For information regarding water supply policies and long-term water supply requests, BHER 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](mailto:jgamboarce@IID.com).
7. The Projects’ system pipelines are to be encased in steel pipe casings. All pipelining of lateral and/or drain impacts will need to be described and assessed as part of the Commission’s environmental review or with a supplemental environmental document.
8. 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 Projects.
9. Any construction or operation on IID property or within its existing and proposed right of way or easements will require an encroachment permit or agreement that encompasses all IID permits, including but not limited to surface improvements such as proposed new streets, driveways, parking lots, landscape; all water, sewer, storm water; and any other above ground or underground utilities. A copy of the encroachment permit application is included in IID’s Developer Project Guide available at <http://www.iid.com/home/showdocument?id=2328>. For additional information regarding encroachment permits, the IID Real Estate Section should be contacted at (760) 339-9239.
10. 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.

11. Any abandonment of IID easements or facilities will be approved by IID based on system (irrigation, drainage, power, etc.) needs.
12. In addition to IID's recorded easements, IID claims, at a minimum, a right of way to the toe of slope of all existing canals and drains. Where space is limited and depending upon the specifics or adjacent modifications, 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 or any project infrastructure adjacent to IID's facilities. Certain conditions may be placed on adjacent project infrastructure to mitigate or avoid impacts to IID's facilities.
13. Project fencing is to be set back from IID canal and drain banks.
14. Any access driveways or improvements to existing roads that impact IID canals may require relocation or pipelining of IID facilities, which need to be noted and analyzed in the PSAs. Project site access driveways may require pipelining, which shall be performed by IID per the Water Department's Developer Project Guide. The guide is available at <http://www.iid.com/home/showdocument?id=2328>.
15. BHER will be required to provide and bear all costs associated with acquisition of rights of way, easements, and infrastructure relocations deemed necessary to accommodate street or road improvements imposed by the county.
16. Public utility easements over all private and public roads and an additional ten (10) feet in width on both sides of the private and public roads shall be dedicated to IID for the construction, operation, and maintenance of its electrical infrastructure.
17. BHER will be required to provide rights of ways and easements for any proposed power line extensions and/or any other infrastructure needed to serve the Projects. In addition, BHER shall provide the necessary access to allow for continued operation and maintenance of any IID facilities located on adjoining properties.

**b. Specific Comments Applicable to ENGP**

**i. The ENGP PSA improperly suggests that the Project may encroach upon IID rights.**

The PSA for ENGP states that the project may "potentially encroach on the water use rights of IID." This assertion is incorrect, as the Projects will not be allowed to encroach on or affect in any way any IID water rights or water use rights. Perhaps this is meant to refer to potential encroachments on water facilities of IID, which shall not be allowed absent express written agreement.

**ii. The ENGP analysis should include the Stipulated Order for Abatement between the Imperial County Air Pollution Control District and IID.**

The parcels associated with ENGP are subject to a Stipulated Order for Abatement (“SOA”) requiring implementation of a gravel-based best available control measure on the project site in accessible areas completed by 2027, with construction beginning in 2025. BHER will be required to comply with the SOA on all applicable properties. The Commission should consider the SOA and analyze the project’s interface with this control measure.

**II. Requested Textual Revisions to be Integrated into the FSAs to Correct PSA Errors or Omissions**

This section identifies specific statements within the Projects’ PSAs that IID requests be revised and corrected in the Projects’ FSAs to reflect IID’s understanding of the Projects, their impacts, or the environmental setting in which they are proposed. The majority of the requested textual revisions apply to all three PSAs, but they are listed below individually because the cited page numbers are slightly different between each document.

**a. Errors in the ENGP PSA that should be revised in the FSA**

- 1. Page 1-6 Executive Summary.** Under Water Resources, the PSA states: “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.” This statement should be revised as follows: “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 needed for these projects.”
- 2. Page 3-17 Project Description, 3.3 Construction, Other.** Additional constructed facilities should be added to the PSA, including water supply pipelines, conveyance pipelines, and a facility to hold water for 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. A copy of *IID Rules & Regulations Governing The Distribution and Use of Water Revised May 2023* is available at IID’s website, <http://www.iid.com/home/showdocument?id=7989>

3. **Page 3-12 Project Description.** In the paragraph titled “Process Water, Reverse Osmosis Potable Water Supply, and Dilution Water”, the water delivery canals are incorrectly identified as the N and O laterals. This paragraph should be modified to identify the Vail 3 lateral, Gate V3-321-001, as the primary connection, and the Vail 2A lateral, Gate V2A271-001, as the backup connection.
4. **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 and Pumice Drain. These drains should be specifically identified. There are no other “channels” of which IID is aware in this area.
5. **Page 5.16-13 Water Resources, Section f.** In the second paragraph, the following sentence should be modified: “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) IID may conserve and set aside up to 25,000 AFY for non-agricultural use by means of water efficiency conservation projects and/or programs.”

In the third paragraph, the second sentence currently reads “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).” This sentence should be modified to read “In a meeting on March 7, 2024, IID reassured CEC staff that ~~the~~ IID’s water delivery obligations under any future water supply agreements entered into by IID for the three BHER geothermal projects would be fulfilled (CEC 2024i).”

6. **Page 5.16-14 Water Resources, Cumulative Impacts.** The 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)” should be modified to state “Based on an IID email communication, two water supply agreements and one Will-Serve Letter have been issued to other customers for a total of 6,380 AFY as of January 2024 (IID 2024).”
7. **Page 5.16-20 Water Use and Reporting.** COC Water-8/MM Water-8 should be amended to read “Supply of ~~fresh-raw~~ water for the project construction would be provided by the IID. The project owner shall enter into ~~an~~ a water supply agreement with IID in accordance with the IWSP and any other applicable IID programs and/or policies. 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.”

**b. Errors in the MBGP PSA that should be revised in the FSA**

1. **Page 1-6 Executive Summary.** Under Water Resources, the PSA states: “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.” This statement should be revised as follows: “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 needed for these projects.”
2. **Page 3-12 Project Description.** In the paragraph titled “Process Water, Reverse Osmosis Potable Water Supply, and Dilution Water”, the backup water delivery canal is incorrectly identified as the O lateral. This paragraph should be modified to identify the P lateral, Gate P-31-001, as the backup connection.
3. **Page 3-17 Project Description, 3.3 Construction, Other.** Additional constructed facilities should be added to the PSA, including water supply pipelines, conveyance pipelines, and a facility to hold water for 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. A copy of *IID Rules & Regulations Governing The Distribution and Use of Water Revised May 2023* is available at IID’s website, <http://www.iid.com/home/showdocument?id=7989>
4. **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 and Pumice Drain. These drains should be specifically identified. There are no other “channels” of which IID is aware in this area.
5. **Water Resources Section (5.16).** Pagination is labeled incorrectly (duplicates same page numbers as Visual Resources, i.e., 5.15-x instead of 5.16-x).
6. **Page 5.15-13 Water Resources, Section f.** The first sentence in the second paragraph currently reads “IID’s Interim Water Supply Policy (IWSP) for nonagricultural projects (IID 2009) sets aside 25,000 AFY for nonagricultural use by means of water efficiency conservation programs.” This sentence should be modified to read “Under IID’s Interim Water Supply Policy (IWSP) for

nonagricultural projects (IID 2009) IID may conserve and sets aside up to 25,000 AFY for nonagricultural use by means of water efficiency conservation projects and/or programs.”

In the third paragraph, the second sentence currently reads “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).” This sentence should be modified to read “In a meeting on March 7, 2024, IID reassured CEC staff that ~~the~~ IID’s water delivery obligations under any future water supply agreements entered into by IID for the three BHER geothermal projects would be fulfilled (CEC 2024i).”

7. **Page 5.15-15 Water Resources, Cumulative Impacts.** The fourth sentence in the first paragraph currently 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).” This sentence should be modified to read “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).”

The last sentence in this section currently reads “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).” This sentence should be modified to read “In a meeting on March 7, 2024, IID reassured CEC staff that ~~the~~ IID’s water delivery obligations under any future water supply agreements entered into by IID for the three BHER geothermal projects would be fulfilled (CEC 2024i).”

8. **Page 5.15-22 Water Use and Reporting.** MM Water-8 should be modified to read “Supply of ~~fresh-raw~~ water for the project construction would be provided by the IID. The project owner shall enter into ~~an~~ a water supply agreement with IID in accordance with the IWSP and any other applicable IID programs and/or policies. 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.”

#### **c. Errors in the BRGP PSA that should be revised in the FSA**

1. **Page 1-6 Executive Summary.** Under Water Resources, the PSA states: “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.” This statement should be revised as follows: “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 needed for these projects.”

2. **Page 3-17 Project Description, 3.3 Construction.** Additional constructed facilities should be added to the PSA, including water supply pipelines, conveyance pipelines, and a facility to hold water for 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. A copy of *IID Rules & Regulations Governing The Distribution and Use of Water Revised May 2023* is available at IID’s website, <http://www.iid.com/home/showdocument?id=7989>
3. **Page 5.2-87 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 and Pumice Drain. These drains should be specifically identified. There are no other “channels” of which IID is aware in this area.
4. **Page 5.16-13 Water Resources, Section f.** In the second paragraph, the following sentence should be modified: “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) IID may conserve and set aside up to 25,000 AFY for non-agricultural use by means of water efficiency conservation projects and/or programs.”

In the third paragraph, the second sentence currently reads “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).” This sentence should be modified to read “In a meeting on March 7, 2024, IID reassured CEC staff that ~~the~~ IID’s water delivery obligations under any future water supply agreements entered into by IID for the three BHER geothermal projects would be fulfilled (CEC 2024i).”

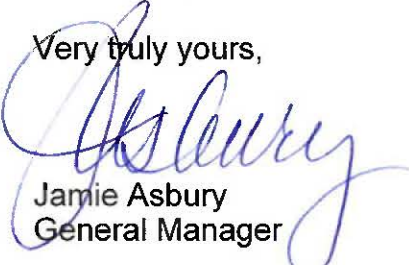
5. **Page 5.16-15 Water Resources, Cumulative Impacts.** The fourth sentence of first paragraph that reads “Based on an IID email communication, two Will-Serve Letters have been issued to other customers for a total of 6,380 AFY as of January 2024 (IID 2024)” should be modified to state “Based on an IID email communication, two water supply agreements and one Will-Serve Letter have

been issued to other customers for a total of 6,380 AFY as of January 2024 (IID 2024).”

6. **Page 5.16-22 Water Use and Reporting.** COC Water-8/MM Water-8 should be amended to read “Supply of fresh-raw water for the project construction would be provided by the IID. The project owner shall enter into an a water supply agreement with IID in accordance with the IWSP and any other applicable IID programs and/or policies. Project water use for project construction shall not exceed 365 acre-feet. Project operation water use shall not exceed 1,500 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.”

IID appreciates the opportunity to comment on the Projects' PSAs and appreciates the Commission's consideration of IID's above requests for additional analyses and revisions to be incorporated into the FSAs and broader AFC process.

Very truly yours,



Jamie Asbury  
General Manager