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Project Title:	Darden Clean Energy Project
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Filer:	Lisa Worrall
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Westlands Water District

April 21, 2025

Ms. Lisa Worrall, Senior Environmental Planner
Siting, Transmission and Environmental Protection Division
California Energy Commission
715 P Street
Sacramento, CA 95814

SUBJECT: Comments Regarding California Energy Commission (CEC) Staff Assessment SCH # 2024091023 for the Darden Clean Energy Project

Dear Ms. Worrall,

Westlands Water District (District) serves a dual role as both a water district and Groundwater Sustainability Agency (GSA) and is responsible for water management in the Darden Clean Energy Project (Project) area. The District is the landowner, optioning the property for potential sale to enable the development of the Darden Clean Energy Project. Additionally, the District serves as the Responsible Agency required to make key findings and potentially approve the property's sale in accordance with applicable regulations and environmental review processes. The District reviewed Staff Assessment SCH #2024091023 (Assessment), the proposal to construct, operate, and eventually repower or decommission the Project on approximately 9,500 acres in western Fresno County. The District offers the following comments.

Groundwater Availability and Use

The Assessment indicated the proposed water source will be on-site groundwater wells. As stated in the District's previous comment letter on the Project, and per the terms of the proposed purchase and sale agreement with the District, the Project is limited to extraction of two (2.0) acre feet of groundwater per year for operation of its solar power generation facilities for each 320-acre portion of land acquired for the Project. During construction of the Project facilities, the Project may extract an additional one hundred and thirty (130) acre-feet of groundwater per year for construction water purposes for each 320-acre portion of land acquired for the Project.

Surface Water Availability and Use

The Project lands will not receive allocations of groundwater, other than what is indicated above. However, the Applicant may be eligible to apply for and receive surface water for

Municipal and Industrial (M&I) use¹, and the land will continue to have access to the District's distribution system for lands used for solar development operations. If the Project applies to become a new M&I water user, the operations will be bound by the Regulations, Terms and Conditions established by the District for M&I use. Copies of these are provided for your information, and notable provisions include that the District will make available up to five (5) acre-feet annually, per 160 acres, for solar developments.

Decommissioning

The Assessment indicated the Project will either be repowered or decommissioned after its anticipated useful life of up to 35 years. The Project owner will coordinate with the CEC to plan and prepare for eventual permanent closure, providing at minimum one (1) year notice to the CEC through submittal of a Final Closure Plan and Cost Estimate. Decommissioning is anticipated to be completed within up to a three (3) year period and will follow a decommissioning and reclamation plan. This plan involves removal of all project components, discharge and removal of battery modules and electrical equipment, and removal of any civil facilities, access roads, and security fence.

Regarding land uses following decommissioning, the Assessment provides: "It is anticipated that most of the site would be returned to farmland and/or pasture after decommissioning." (Assessment, p. 3-24.) The assessment further provides that if no specific land use is identified, the Project site would be vegetated with native and naturalized grassland seed mix.

In this context, the Assessment must recognize that after decommissioning, the Project site will no longer have access to water from any source. Moreover, the deed covenants will prohibit the Project site from irrigated agriculture as required by the District's 2015 Settlement with the United States². It is therefore unlikely the Project site will be utilized for farmland or pasture, after decommissioning. Assuming a return to native and naturalized grassland, the Project proponents would need to establish this vegetation using only precipitation. The CEC must ensure that decommissioning is conducted in an orderly and effective manner so the Project site does not fall into neglect/disrepair and become a nuisance to nearby agricultural operations.

Weed Management and Fire Risk

The District reviewed the Assessment's vegetation management plan, which identifies weed control methods including mowing, hand removal, herbicide applications, and sheep grazing. Vegetation fire risk must be mitigated through the control or eradication of vegetation immediately surrounding the solar arrays and battery energy storage systems (BESS).

¹ <https://wwd.ca.gov/wp-content/uploads/2024/06/rules19.pdf>

² <https://wwd.ca.gov/resource-management/drainage/drainage-settlement-documents/>

If sheep grazing is determined to be a means to limit weed infestations, it must always be contained within the Project fencing. If grazing occurs outside of the Project fencing, sheep may wander to adjoining fields, damage adjacent crops, and their presence may disqualify adjacent organic fields from further organic certification. The CEC should identify a mechanism to address this concern and ensure any sheep grazing is contained within the Project fencing.

District Facilities

The Project site is located near the District's distribution system Laterals 13R, 14R, 14L, 15L, 16L, 17L and 18L. Prior to construction, please contact Underground Service Alert (811).

If Project features, including electrical collector lines and transmission facilities, may cross the District's distribution system laterals, the Project owner shall contact the District to obtain the requirements for crossing a District lateral easement(s). No Project facilities shall be located in a manner that restricts the District's ability to access and perform maintenance on the water distribution system.

The District previously provided comments for the proposed project on October 22, 2024, a copy of which is attached.

Thank you for the opportunity to comment on this Project. If you have any questions concerning the District's comments, please contact Brent Dragomanovich at 559-241-6245.

Sincerely,



Stephen Farmer
Chief Administrative Officer

Enclosure

1. Westlands Water District's Comment Letter Regarding NOP No. 23-OPT-02, October 22, 2024



Westlands Water District

October 22, 2024

Ms. Lisa Worrall, Senior Environmental Planner
Sting, Transmission and Environmental Protection Division
California Energy Commission
715 P Street
Sacramento, CA 95814

SUBJECT: Comments Regarding Notice of Preparation No. 23-OPT-02 for the Darden Clean Energy Project

Dear Ms. Worrall,

Westlands Water District (District) reviewed NOP 23-OPT-02, the proposal to construct, operate, and eventually repower or decommission the Darden Clean Energy Project (Project) on approximately 9,500 acres in western Fresno County. The District offers the following comments.

The Project lands shall not include, and the District's rights to such shall include the following reserved rights reserved in the Grant Deed, pursuant to the terms of the Option Agreement:

- (i) any rights to minerals, oil, gas and other hydrocarbon substances (collectively, "Mineral Interests")
- (ii) any rights to water deliveries appurtenant to or associated with the Project by virtue of its location within the District's service area, including without limitation the right to apply for and receive from the District a ratable allocation of water under California Water Code Section 35420 or any successor statute
- (iii) the right to irrigate the Project from any source for any purpose
- (iv) all groundwater underlying or otherwise appurtenant to the Project
- (v) The District shall reserve the exclusive, permanent right to maintain, cause, permit, create, or allow the presence of subsurface water underlying the Project, and the permanent right, in its sole discretion, to provide drainage or not provide drainage of the subsurface water underlying the Project. District shall also reserve the right to use any groundwater underlying or otherwise appurtenant to the Project, including the exclusive right to drill, operate, maintain, repair and replace water wells and locate pipelines on the Property at locations that were approved by the District and Applicant prior to Applicant's exercise of the option under the Option Agreement, as set forth in the Grant Deed.

The Applicant indicated the proposed water sources are on-site groundwater wells and through imported surface water supplies provided by the District. The Applicant is limited to extraction of two (2.0) acre feet of groundwater per year for operation of its solar power generation facilities for each 320-acre portion of land acquired by the Applicant. During construction of the solar project facilities located on the property, the Applicant may extract an additional one hundred and thirty (130) acre-feet of groundwater per year for construction water purposes for each 320-acre portion of land acquired by the Applicant.

The Applicant may be eligible to apply for and receive Municipal and Industrial (M&I) water services, and the land will continue to have access to the District's distribution system for land used for solar development operations. If the Applicant is **eligible**, the District's Article 19 Rules & Regulations provide that the District will make available up to five (5) acre-feet annually per 160 acres, for solar developments on land not participating in the "Continued Benefits to Modified Agricultural Land" provisions of the District's Article 2. The Applicant's operations will be bound by the Regulations, Terms and Conditions established by the District for M&I use. Copies of these are provided for your information, and notable provisions include:

- The Applicant must comply with the District's Backflow Prevention guidelines for this connection to the District's water system.
- If there is not a delivery turnout on the property then the Applicant would be responsible for the development and construction of the pipeline to connect to the District's distribution system, including acquisition of easements, if required.
- The District and the California Department of Public Health (CDPH) (formerly the Department of Health Services) entered into a Compliance Agreement that restricts the District's ability to provide M&I service to non-resident facilities. The Applicant must request and receive an exemption from the Compliance Agreement's requirement that the solar development be connected to a Public Water System or Domestic Well. The District expects that CDPH will grant the exemption on the condition that the Applicant posts signs at all outlets where human contact may occur, indicating that the water delivered by the District is non-potable. Applicant can provide copies of receipts for bottled water purchased from a State-licensed provider as a supplement for potable water.

Based on the Project Location Map provided, the project site is located near the District's distribution system Laterals 13R, 14R, 14L, 15L, 16L, 17L and 18L. Prior to construction, please contact Underground Service Alert (811).

- If project features, including electrical transmission facilities, may cross the District's distribution system laterals, please contact the District to obtain the requirements for crossing a District lateral easement(s).

- A copy of the District's Rules & Regulations is available at <https://wwd.ca.gov/about-westlands/additional-information/rules-and-regulations/>

Thank you for the opportunity to comment on this project. If you have any additional questions, please contact Brent Dragomanovich at 559-241-6245.

Sincerely,



Stephen Farmer
Chief Administrative Officer