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MWD COmment Letter on Blythe Solar FInal Staff Assessment 23 October 2013

Additional submitted attachment is included below.



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Office of the General Manager

October 23, 2013

VIA E-FILING & U.S. MAIL

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To Whom it May Concern:

Staff Assessment – Part A, Amendment to the Blythe Solar Power Project
CEC-700-2013-004-FSA-PTA, Docket Number 09-AFC-6C

The Metropolitan Water District of Southern California (Metropolitan) reviewed the above-referenced Staff Assessment – Part A (SA-Part A) for the Blythe Solar Power Project (Project or BSPP) and provides these comments. Metropolitan previously reviewed the Bureau of Land Management's (BLM) and California Energy Commission's (CEC):

- Draft Environmental Impact Statement and Revised Staff Assessment for the Chevron Energy Solutions/Solar Millennium, Blythe Solar Power Project and Possible California Desert Conservation Area Plan Amendment, and
- Plan Amendment/Final Environmental Impact Statement for the Project;

and submitted prior comments on those documents, copies of which are enclosed and incorporated herewith. Metropolitan also responded to the BLM's Notice of Intent to Prepare an Environmental Impact Statement Considering Proposed Amendments to the Blythe Solar Power Project Right-of-Way Grant, a copy of which is enclosed and incorporated herewith.

In sum, Metropolitan appreciates that the CEC has recognized that the Project, along with the cumulative impacts of neighboring desert solar projects, may impact Colorado River supplies and that it is requiring the Project proponent to mitigate for and monitor these potential impacts. However, Metropolitan is concerned that the alternatives identified for mitigation in SOIL& WATER-2 will not be effective in offsetting impacts to Lower Colorado River water supplies and/or are not viable. Thus, Metropolitan is requesting that CEC replace SOIL&WATER-2 with a mitigation measure that BLM included in a similar project, the Desert Harvest Solar Project, which identifies viable mitigation alternatives. A copy of the mitigation measure, MM WAT-7,

is enclosed for reference, and taken from Appendix 3 to BLM's Record of Decision for the "Desert Harvest Solar Project and Amendment to the California Desert Conservation Area Land Use Management Plan", beginning at page 80. (http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/palmsprings/desert_harvest_solar.Par.71528.File.dat/Appendix3_DesertHarvest ROD.pdf) Metropolitan also requests that CEC substitute the Colorado River accounting surface elevation shown on Figure 6 of the U.S. Geological Survey's Scientific Investigations Report 2008-5113, "Update of the Accounting Surface Along the Colorado River" for the location of the Blythe Solar Power Project for the value shown in MM WAT-7 for the Desert Harvest Solar Project.

More specifically, the CEC's proposed mitigation measure SOIL&WATER-2 suggests that the Project proponent may mitigate by one of the following: (1) pay for irrigation improvements in Palo Verde Irrigation District (PVID), (2) purchase of water rights within the Colorado River Basin that will be held in reserve, and/or (3) contribute to BLM's Tamarisk Removal Program or other proposed mitigation activities acceptable to the CEC Compliance Project Manager. As a preliminary matter, entities in California are already using California's full apportionment of Colorado River water, meaning that all water is already contracted and no new water entitlements are available in California during shortage, normal, and Intentionally Created Surplus conditions. Thus to offset groundwater which would be replaced by Colorado River water, the Project proponent will have to obtain water from the existing junior priority holder, Metropolitan, which has the authority to sell water for power plant use. Metropolitan is willing to discuss the exchange of a portion of its water supplies with the Project proponent, subject to any required approvals by Metropolitan's Board of Directors.

Under the priority rights to use of Colorado River water, any water unused by PVID becomes available to Metropolitan in accordance with the 2003 Colorado River Water Delivery Agreement executed by Metropolitan, the Secretary of the Interior, Imperial Irrigation District, Coachella Valley Water District, and San Diego County Water Authority. Thus, water conserved in PVID's service area would not be available for any other purposes.

Additionally, tamarisk removal and the water conserved by these efforts outside the service areas of Colorado River water delivery contractors would only offset Colorado River system losses generally, and would not result in a reduction in the amount of consumptive use charged to California by the U.S. Bureau of Reclamation. Thus, such tamarisk removal would not be a viable offset to the Project's use of groundwater that would be replaced by Colorado River water.

For these reasons, Metropolitan recommends that the enclosed mitigation measure be substituted for SOIL&WATER-2 and that Metropolitan be included, along with the U.S. Bureau of Reclamation and the Colorado River Board of California, in any consultation regarding future Colorado River offset alternatives.

Metropolitan also requests that it be copied on all documentation and monitoring done pursuant to SOIL&WATER-16.

Ms. Mary Dyas
October 23, 2013
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On Page 1-15 of the Staff Assessment – Part A, please revise “144-foot” to “438-foot lift” in the Project Description column of the table. The 144-foot value is for Iron Mountain Pumping Plant, rather than Eagle Mountain Pumping Plant, the subject of this row.

We appreciate the opportunity to provide input to your planning process and we look forward to receiving future environmental and related documentation on this Project. If we can be of further assistance, please contact Mr. Michael Melanson at (916) 650-2648.

Very truly yours,

A handwritten signature in black ink, appearing to read "Deirdre West". The signature is fluid and cursive, with a large initial "D" and a long horizontal stroke extending to the right.

Deirdre West
Manager, Environmental Planning Team

Enclosures: Comment Letter on BSPP DEIS 15 June 2010
Comment Letter on BSPP FEIS 19 September 2010
Comment Letter on Notice of Intent re Amended BSPP DEIS 30 September 2013
Proposed Soil and Water Mitigation Measure

cc: Ms. Tanya Trujillo
Executive Director
Colorado River Board of California
770 Fairmont Avenue, Suite 100
Glendale, California 91203-1068

PROPOSED SOIL & WATER MITIGATION MEASURE

(taken from Appendix 3 to BLM's Record of Decision for the "Desert Harvest Solar Project and Amendment to the California Desert Conservation Area Land Use Management Plan at page 80)

Colorado River Water Supply Plan. Prior to the onset of water-consuming construction activities, the project owner shall prepare a Colorado River Water Supply Plan (Plan) and submit this Plan to the BLM and the Colorado River Basin Regional Water Quality Control Board (RWQCB) for review and approval, and to the Metropolitan Water District of Southern California (MWD) for review and comment. The Plan shall identify measures that will be taken to replace water on an acre-foot to acre-foot basis, if the project results in consumption of any water from below the Colorado River Accounting Surface, towards the purpose of ensuring that no allocated water from the Colorado River is consumed without entitlement to that water.

The Plan shall describe that groundwater monitoring activities and quarterly data reports required in compliance with MM WAT-3 (Groundwater Drawdown Monitoring and Reporting Plan) will be closely reviewed for depth to groundwater information, and proximity of the depth of project-related groundwater pumping to the Colorado River Accounting Surface of 234 feet amsl. The Plan shall further describe that if project-related groundwater pumping draws water from below 234 feet amsl, the following shall occur:

- 1) All groundwater pumping shall immediately cease,
- 2) Based on groundwater monitoring data, the quantity of groundwater pumped from below 234 feet amsl shall be recorded, and
- 3) The project owner shall implement water conservation/offset activities to replace Colorado River water on an acre-foot by acre-foot basis.

In order to effectively implement item (3) above, the Plan shall include the following information:

- Identification of water conservation / offset activities to "replace" the quantity of water diverted from the Colorado River;
- Identification of any required permits or approvals and compliance of conservation / offset activities with CEQA and NEPA;
- An estimated schedule of completion for each identified activity;
- Performance measures that would be used to evaluate the amount of water replaced by each identified activity; and
- Monitoring and reporting protocol to ensure that water conservation / offset activities are effectively implemented and achieve the intended purpose of replacing Colorado River water diversions.

The project owner shall collaborate with the BLM, the Colorado River RWQCB, and/or the MWD, as appropriate, in order to identify acceptable water conservation / offset activities for

the purposes of the Plan, with “acceptable” activities being those that are considered environmentally, physically, and economically feasible, while also effectively resulting in the replacement of Colorado River water. A number of water conservation / offset activities that have been considered and determined to not be viable and therefore may not be identified in the Plan include the following:

- Irrigation improvements in the Palo Verde Irrigation District (water unused by the PVID becomes available to MWD per the 2003 Colorado River Water Delivery Agreement executed by MWD, the Secretary of the Interior, Imperial Irrigation District, Coachella Valley Water District, and San Diego County Water Authority);
- Purchase of water allotments allocated by the Department of the Interior (all Colorado River water available to California in shortage, normal, or Intentionally Created Surplus conditions is already allocated and its use is limited to each entity’s service area under executed water delivery contracts);
- Implementation of conservation programs in floodplain communities (all water unused by holders of higher priorities becomes available to MWD per the water delivery contracts which have been executed by the Department of the Interior); and
- Participation in the BLM’s Tamarisk Removal Program (use of Colorado River water by phreatophytes such as tamarisk is not charged as a use of water for U.S. Supreme Court Decree accounting purposes by the U.S. Bureau of Reclamation).

If the project owner has filed an application to the U.S. Bureau of Reclamation (USBR) to obtain an allocation of water from the Colorado River and such allocation is granted, it may be used to satisfy some or all of the water conservation offsets on an acre-foot per acre-foot basis. However, the filing of an application for allocation of Colorado River water does not guarantee that such an allocation will be issued. In addition, all of California’s apportionment to use of Colorado River water during shortage, normal, and Intentionally Created Surplus conditions has already been allocated by the Department of the Interior. Therefore, unless the project owner currently holds entitlement to the use of Colorado River water, it shall not be assumed that an allocation will be granted.

If the project does not result in diversion of Colorado River water (via pumping from near (within +/-0.84 feet at the 95-percent confidence level), equal to, or below 234 feet amsl) it will not be necessary to implement the water conservation/offset activities identified in the Colorado River Water Supply Plan. However, the Plan must be approved by the BLM prior to project-related groundwater pumping is initiated so that if at any time during the project it is determined that groundwater is being produced from below the Colorado River Accounting Surface of 234 feet amsl, the requirements described in this measure shall be immediately implemented, starting with the cessation of groundwater pumping.

The Colorado River Water Supply Plan is separate from the Groundwater Drawdown Monitoring and Reporting Plan required per MM WAT-3 and the Drought Water Management and Water Conservation Education Programs required per MM WAT-6. Therefore, this Plan must be developed, reviewed, approved of, and implemented as a separate, stand-alone document. Compliance with this measure shall be verified by the Environmental Monitor.