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| Docket Number: | 09-AFC-07C |
| Project Title: | Palen Solar Power Project - Compliance |
| TN #: | 201119 |
| Document Title: | Metropolian Water District of Southern California Comments on the Final Staff Assessment- Part A |
| Description: | N/A |
| Filer: | Sabrina Savala |
| Organization: | Metropolitan Water District of Southern California |
| Submitter Role: | Public Agency |
| Submission Date: | 11/5/2013 1:59:33 PM |
| Docketed Date: | 11/5/2013 |



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Office of the General Manager

October 24, 2013

VIA E-FILING & U.S. MAIL

California Energy Commission
Dockets Unit, MS-14
Docket No. 09-AFC-7C
1516 Ninth Street
Sacramento, CA 95814-5512

To Whom it May Concern:

Comments on the Final Staff Assessment – Part A for the
Proposed Palen Solar Electric Generating System (09-AFC-7C)

The Metropolitan Water District of Southern California (Metropolitan) reviewed the above-referenced Staff Assessment – Part A (SA-Part A) for the Proposed Palen Solar Electric Generating System and provides these comments. Metropolitan previously reviewed the Bureau of Land Management's (BLM) and California Energy Commission's (CEC) Draft Environmental Impact Statement (DEIS)/Staff Assessment for the Chevron Energy Solutions/Solar Millennium Palen Solar Power Project (PSPP) and Possible California Desert Conservation Area Plan Amendment, and Final Environmental Impact Statement (FEIS) for the Palen Solar I, LLC's PSPP and Proposed California Desert Conservation Area Plan Amendment and submitted prior comments on those documents, copies of which are enclosed and incorporated herewith. Metropolitan also responded to the BLM's Notice of Availability of the Draft Supplemental Environmental Impact Statement (EIS) for the Palen Solar Electric Generating System and Draft California Desert Conservation Area Plan Amendment, a copy of which is enclosed 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 in the proposed condition of certification SOIL& WATER-14 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 proposed condition of certification SOIL&WATER-14 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 for the Palen Solar Electric Generating System 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 value shown in MM WAT-7 for the Desert Harvest Solar Project.

More specifically, the CEC's proposed condition of certification SOIL&WATER-14 suggests that the Project proponent may mitigate by one of the following: (1) pay for irrigation improvements in Palo Verde Irrigation District (PVID), (2) payment for irrigation improvements in Imperial Irrigation District (IID), (3) purchase of water rights within the Colorado River Basin that will be held in reserve, and/or (4) 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 or IID becomes available to Metropolitan in accordance with the 2003 Colorado River Water Delivery Agreement executed by Metropolitan, the Secretary of the Interior, IID, Coachella Valley Water District, and San Diego County Water Authority, and Metropolitan's 1930, 1931, 1946 and 1987 contracts with the Department of the Interior. Thus, water newly conserved in PVID or IID's service area would not be available for any other purposes.

Additionally, tamarisk removal and the water conserved by such an effort 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 proposed condition of certification SOIL&WATER-14 and that Metropolitan be included, along with the U.S. Bureau of Reclamation and the Colorado River Board of California, in the consultation to provide review and comment of the Water Offset Plan once prepared.

Metropolitan also requests that it be copied on all documentation and monitoring done pursuant to conditions of certification SOIL&WATER-4 and SOIL&WATER-17.

California Energy Commission

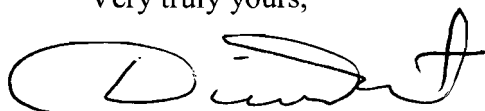
October 24, 2013

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Finally, on Page 1-24 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,



Deirdre West
Manager, Environmental Planning Team

CMS/JPM:

(J:\Environmental Planning&Compliance\Completed Jobs\June 2011\Job No. 2011060901)

Enclosures: Proposed Soil and Water Mitigation Measure
June 15, 2010, Comment Letter on PSPP DEIS/Staff Assessment
June 9, 2011, Comment Letter on PSPP FEIS
October 24, 2013 Comment Letter on Draft Supplemental EIS/Draft Plan
Amendment

cc: Ms. Tanya M. 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

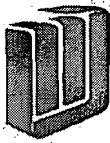
replacement of Colorado River water. A number of water conservation / offset activities that have been considered and determined to not be viable and therefore may not be identified in the Plan include the following:

- 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.



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Executive Office

JUNE 15, 2010

Via Electronic & U.S. Mail

Alan Solomon,
Siting, Transmission and Environmental
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California Energy Commission
1516 Ninth Street, MS-15
Sacramento, CA 95814

Allison Shaffer
Project Manager
Palm Springs South Coast Field Office
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1201 Bird Center Drive
Palm Springs, California 92262

To Whom it May Concern:

**Notice of Availability of the Draft Environmental
Impact Statement/Staff Assessment for the Chevron Energy Solutions/Solar
Millennium Palen Solar Power Plant and Possible California Desert Conservation
Area Plan Amendment; CEC Docket No. 09-AFC-7, BLM Docket No. CACA 48810**

The Metropolitan Water District of Southern California (Metropolitan) reviewed the Draft Environmental Impact Statement/Staff Assessment (collectively, "DEIS") for the Chevron Energy Solutions/Solar Millennium Palen Solar Power Plant and Possible California Desert Conservation Area Plan Amendment (Project). The U.S. Bureau of Land Management (BLM) is the lead agency under the National Environmental Policy Act (NEPA) for the DEIS and the California Energy Commission (CEC) is the lead agency (for licensing thermal power plants 50 megawatts and larger) under the California Environmental Quality Act (CEQA) and has a certified regulatory program under CEQA. Under its certified program, CEC is exempt from having to prepare an environmental impact report. Its certified program, however, requires environmental analysis of the project or a "staff assessment," including an analysis of alternatives and mitigation measures to minimize any significant adverse effect the project may have on the environment.

Metropolitan is pleased to submit comments for consideration by BLM and CEC during the public comment period for the DEIS and staff assessment.¹ In sum, Metropolitan provides these comments to ensure that any potential impacts on its facilities in the vicinity of the Project and on the Colorado River water resources are adequately addressed.

Background

¹ Comments on the DEIS and Revised Staff Assessment are due July 1, 2010 per the Federal Register notice. 75 Fed. Reg. 16786 (April 2, 2010). This comment deadline applies to the CEC's Revised Staff Assessment anticipated to be issued June 18, 2010 regardless of whether it is finalized separately from BLM's DEIS as the relevant comment periods may not be reduced or altered retroactively.

Metropolitan is a public agency and regional water wholesaler. It is comprised of 26 member public agencies serving more than 19 million people in six counties in Southern California. One of Metropolitan's major water supplies is the Colorado River via Metropolitan's Colorado River Aqueduct (CRA). Metropolitan holds an entitlement to water from the Colorado River. The CRA consists of tunnels, open canals and buried pipelines. CRA-related facilities also include above and below ground reservoirs and aquifers, access and patrol roads, communication facilities, and residential housing sites. The CRA, which can deliver up to 1.2 million acre-feet of water annually, extends 242 miles from the Colorado River, through the Mojave Desert and into Lake Mathews. Metropolitan has five pumping plants located along the CRA, which consume approximately 2,400 gigawatt-hours of energy when the CRA is operating at full capacity.

Concurrent with its construction of the CRA in the mid-1930s, Metropolitan constructed 305 miles of 230 kV transmission lines that run from the Mead Substation in Southern Nevada, head south, then branch east to Parker, California, and then west along Metropolitan's CRA. Metropolitan's CRA transmission line easements lie on federally-owned land, managed by BLM. The transmission lines were built for the sole and exclusive purpose of supplying power from the Hoover and Parker projects to the five pumping plants along the CRA.

Metropolitan's ownership and operation of the CRA and its 230 kV transmission system is vital to its mission to provide Metropolitan's 5,200 square mile service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

Project Understanding

Solar Millennium LLC and Chevron Energy Solutions, the joint developers of this project, propose to construct, own, and operate the Palen Solar Power Project. The Project is a concentrated solar thermal electric generating facility with two adjacent, independent, and identical solar plants of 250 megawatt (MW) nominal capacity each for a total capacity of 500 MW nominal.

The Project will utilize solar parabolic trough technology to generate electricity. With this technology, arrays of parabolic mirrors collect heat energy from the sun and refocus the radiation on a receiver tube located at the focal point of the parabola. A heat transfer fluid (HTF) is heated to high temperature (750 degrees Fahrenheit) as it circulates through the receiver tubes. The heated HTF is then piped through a series of heat exchangers where it releases its stored heat to generate high-pressure steam. The steam is then fed to a traditional steam turbine generator where electricity is produced.

The project water needs would be met by use of groundwater pumped from one of two wells on the plant site. Water for domestic uses by project employees would also be provided by onsite groundwater treated to potable water standards. During construction, the Project proponent anticipates using up to 1,500 acre-feet of water. Following construction and for long-term

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operations, the average total annual water usage for all four units combined is estimated to be about 300 acre-feet per year (afy).

The project site would be located approximately 10 miles east of Desert Center, along Interstate 10 approximately halfway between the cities of Indio and Blythe, in Riverside County, California. An application has been filed with BLM for a right-of-way (ROW) grant of approximately 5,200 acres.

Land Use Issues: Potential Impacts on Metropolitan Facilities

Although Metropolitan has not yet identified any direct impacts, the Project is in the general vicinity of Metropolitan facilities, perhaps as close as 0.3 miles. As described above, Metropolitan currently has a significant number of facilities, real estate interests, and fee-owned rights-of-way, easements, and other properties (Facilities) located on or near BLM-managed land in southern California that are part of our water distribution system. Metropolitan is concerned with potential direct or indirect impacts that may result from the construction and operation of any proposed solar energy project on or near our Facilities. In order to avoid potential impacts, Metropolitan requests that the final EIS and staff assessment include an assessment of potential impacts to Metropolitan's Facilities with proposed measures to avoid or mitigate significant adverse effects.

Metropolitan is also concerned that locating solar projects near or across its electrical transmission system could have an adverse impact on Metropolitan's electric transmission-related operations and Facilities. From a reliability and safety aspect, Metropolitan is concerned with development of any proposed projects and supporting transmission systems that would cross or come in close proximity with Metropolitan's transmission system. Metropolitan requests that the final EIS and staff assessment analyze and assess any potential impacts to Metropolitan's transmission system.

Water Resources: Potential Impacts on Colorado River and Local Water Supplies

Metropolitan is also concerned about the Project's potential direct and cumulative impacts on water supplies, specifically potential impacts on Colorado River and local groundwater supplies. As noted above, Metropolitan holds an entitlement to imported water supplies from the Colorado River. Water from the Colorado River is allocated pursuant to federal law and is managed by the Department of the Interior, Bureau of Reclamation (USBR). In order to lawfully use Colorado River water, a party must have an entitlement to do so. *See* Boulder Canyon Project Act of 1928, 43 U.S.C. §§617, et seq.; *Arizona v. California*, 547 U.S. 150 (2006).

As noted above, the Project proposes to use approximately 1,500 af of water during construction and 300 acre-feet per year (afy) for long-term operations, using groundwater from a groundwater basin that is hydrogeologically connected to the Colorado River, within an area referred to as the "accounting surface." The extent of accounting surface area for the Colorado River was determined by the U.S. Geological Survey (USGS) and USBR as part of an on-going rule-making process. *See* Notice of Proposed Rule Regulating the Use of the Lower Colorado River.

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Page 4

Without an Entitlement, 73 Fed. Reg. 40916 (July 16, 2008); USGS Scientific Investigation Report No. 2008-5113. To the extent the Project uses Colorado River water, it must have a documented right to do so.

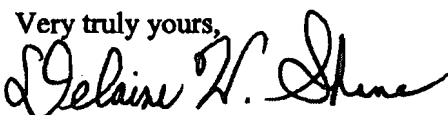
Entities in California are using California's full apportionment of Colorado River water, meaning that all water is already contracted and no new water entitlements are available in California. In addition, the California contractors have agreed in the 1931 Seven Party Agreement to prioritize the delivery of California's Colorado River water among themselves. Under this priority agreement, the following alternatives identified in SOIL&WATER-15 are no longer available to Proponents to mitigate impacts to Colorado River water resources:

The [mitigation] activities shall include the following water conservation projects: payment for irrigation improvements in Palo Verde Irrigation District, payment for irrigation improvements in Imperial Irrigation District, purchase of water rights within the Colorado River Basin that will be held in reserve, and/or BLM's Tamarisk Removal Program.


Instead, Proponents would have to obtain water from the existing junior priority holder, Metropolitan, which has the authority to sell water for power plant use. Mitigation measure SOIL&WATER-15 should be revised accordingly. Metropolitan is willing to discuss the exchange of a portion of its water entitlement subject to any required approvals by Metropolitan's Board of Directors and so long as the Proponents agree to provide a replacement supply through an agreement with Metropolitan. Proponents must fully address the impacts on Colorado River water resources and provide full mitigation for such impacts, including replacement of supply.


Additionally, CEC and BLM should assess the potential cumulative impacts of the use of the scarce Colorado River and local groundwater supplies in light of other pending renewable energy projects within the Colorado River Basin and the local groundwater regions. Metropolitan requests that the final EIS and staff assessment address the Proponent's water supply and any potential direct or cumulative impacts from this use.


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 Dr. Debbie Drezner at (213) 217-5687.


Very truly yours,

Delaine W. Shane
Manager, Environmental Planning Team

DSD/dsd
(Public Folders/EPT/Letters/EPT Final Letter PDF/2010/15-JUN-10B.doc)
Enclosures: Map

 MWD Transmission Line

 BLM Furnished ROW/

 MWD Fee Property/

 MWD Easement

Nextera Genesis - Ford Dry Lake

Chevron Energy - Palen

Chevron Energy - Blythe

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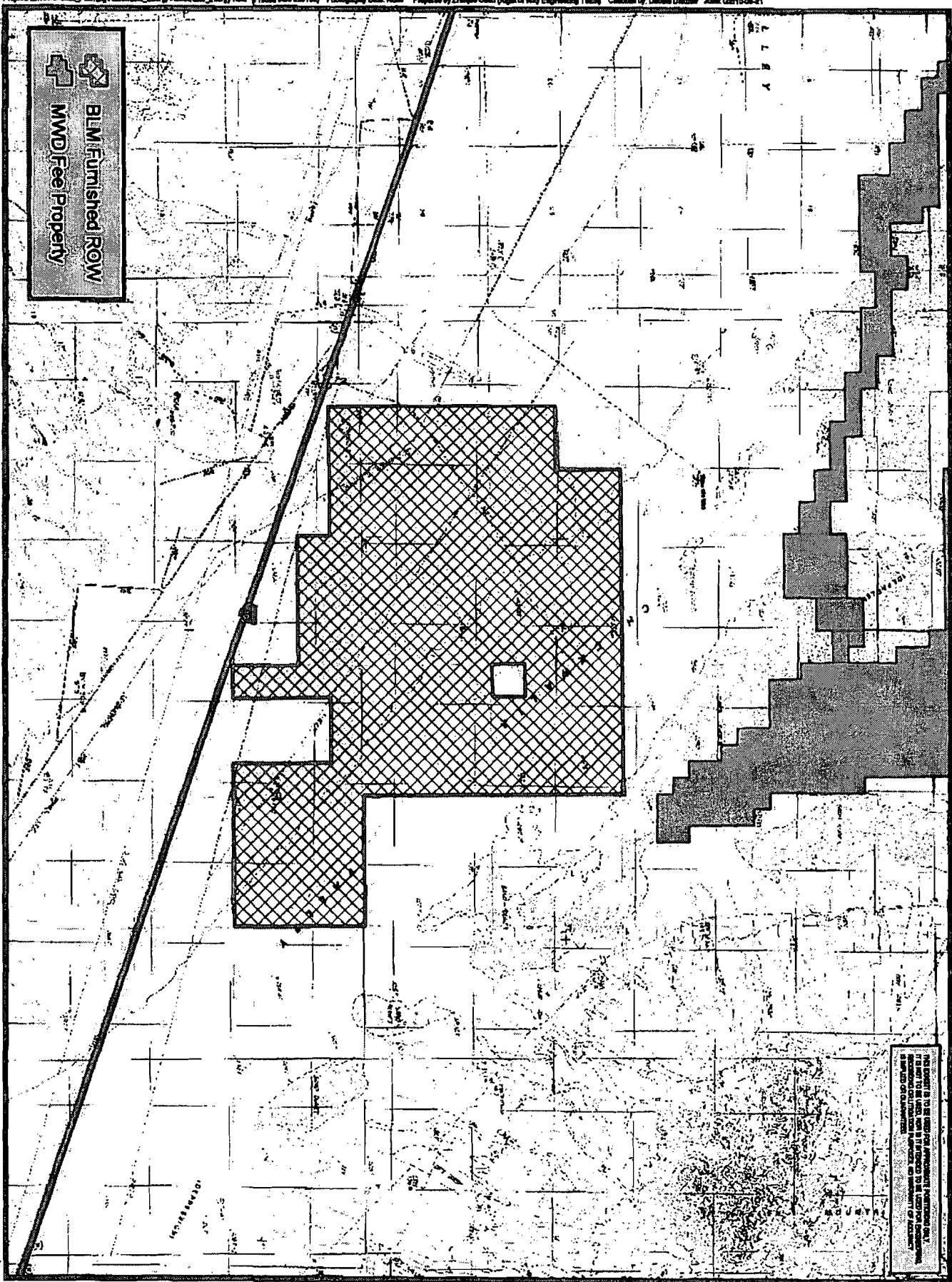
Renewable Energy Projects

MWD Right of Way



The Metropolitan Water District of Southern California
Corporate Resources Group

BLM Fulfilled ROW
MWD Fee Property



Renewable Energy Projects

Chevron Energy - Palen



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THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Office of the General Manager

June 9, 2011

Via Electronic & U.S. Mail

Dale Rundquist
Siting, Transmission and Environmental
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California Energy Commission
1516 Ninth Street, MS-2000
Sacramento, CA 95814

Allison Shaffer
Project Manager
Palm Springs South Coast Field Office
Bureau of Land Management
1201 Bird Center Drive
Palm Springs, California 92262

To Whom It May Concern:

Notice of Availability of the Final Environmental Impact Statement for the Palen Solar I, LLC's Palen Solar Power Plant (PSPP) and Proposed California Desert Conservation Area Plan Amendment, CEC Docket No. 09-AFC-7, BLM Docket No. CACA 048810

The Metropolitan Water District of Southern California (Metropolitan) has reviewed the Bureau of Land Management's (BLM) Final Environmental Impact Statement (FEIS) for the Palen Solar I, LLC's Palen Solar Power Plant (Project). Metropolitan submitted comments on the draft EIS on June 15, 2010 that are attached hereto and incorporated by reference. In sum, as a contractor receiving delivery of Colorado River supplies, Metropolitan remains concerned about the Project's potential direct and cumulative impacts on water supplies, specifically potential impacts on Colorado River and local groundwater supplies.

Metropolitan is aware that BLM's current position is that groundwater pumping associated with the Project would neither result in direct impacts to the adjacent Palo Verde Mesa Groundwater Basin (PVMGB) nor would induce flow from the Colorado River, and therefore no significant impact to Colorado River water resources would occur. Metropolitan appreciates that BLM recognizes the uncertainty of this conclusion as indicated in the discussion of Colorado River-related concerns in:

- Section 4.19.2, "Discussion of Direct and Indirect Impacts" related to water resources impacts,
- Section 4.19.5 "Residual Impacts after Mitigation Measures were Implemented", and
- Section 5.5.2.10 "Common Response" related to water resources.

Metropolitan commends BLM for highlighting the concerns of various commentators that project-related groundwater use could affect the adjacent PVMGB by inducing flows from the

Dale Rundquist, Allison Shaffer
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Colorado River into that basin and that any resulting use of Colorado River water without an entitlement would be illegal.

As a result of these concerns, therefore, BLM proposes to mitigate potential effects on Colorado River water resources through implementation of mitigation measures SOIL&WATER-14, -15, -17 and -18. These mitigation measures require that the Project Owner submit to the Compliance Project Manager (CPM) for review and approval:

- (1) a Water Offset Plan thirty days before the start of extraction of groundwater for construction or operation (SOIL&WATER-14),
- (2) an annual Notice of Extraction and Diversion of Water (SOIL&WATER-15),
- (3) a report detailing the results of analysis, estimation and modeling within thirty days following certification of the Project (SOIL&WATER-17), and
- (4) a Groundwater Level and Quality Monitoring and Reporting Plan within 90 days prior to construction, a Well Monitoring Installation and Groundwater Level Network report at least 60 days prior to construction, and all groundwater quality and level monitoring data at least 60 days prior to use of any groundwater for construction (SOIL&WATER-18).

Metropolitan requests to be included, along with the Colorado River Board of California, in the process of reviewing all groundwater and hydrogeological monitoring and reporting provided by the Project Owner related to local groundwater and Colorado River resources prior to approval of the reports. These reports would include the various documents listed above, as well as any additional pertinent groundwater monitoring data submitted by the Project Owner to the CPM.

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 Dr. Debbie Drezner at (213) 217-5687.

Very truly yours,



John Shamma
Manager, Environmental Planning Team

DSD/rdl

(Public Folders/Environmental Planning&Compliance\COMPLETED JOBS\June 2011\Job No. 2011060901)

Attachment: Comment Letter on Palen Solar Power Plant DEIS dated June 15, 2010

cc: Mr. Christopher S. Harris,
Acting Executive Director
Colorado River Board of California
770 Fairmont Avenue, Suite 100
Glendale, California 91203-1068



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Office of the General Manager

October 24, 2013

Via Electronic & U.S. Mail

Mr. Frank McMenimen
Project Manager
BLM Palm Springs-South Coast Field Office
1201 Bird Center Drive
Palm Springs, CA 92262

To Whom it May Concern:

Notice of Availability of the Draft Supplemental Environmental Impact Statement
for the Palen Solar Electric Generating System and Draft California Desert Conservation
Area Plan Amendment, EIS No. 2013/023+1793, BLM Docket No. CACA 048810

The Metropolitan Water District of Southern California (Metropolitan) has previously reviewed the Bureau of Land Management's (BLM) Draft and Final Environmental Impact Statements (EIS) for the Palen Solar I, LLC's Palen Solar Power Project (Project). Metropolitan submitted comments on the Draft EIS on June 15, 2010 and on the Final EIS on June 9, 2011 that are attached hereto and incorporated by reference. Although the Palen Solar Power Project Final EIS recognizes that the project site overlies the Colorado River Accounting Surface (page 4.19-6, as a contractor receiving delivery of Colorado River supplies, Metropolitan remains concerned about the Palen Solar Electric Generating System's potential direct and cumulative impacts on water supplies, specifically potential impacts on Colorado River and local groundwater supplies. Applicant Proposed Measure, "Soil&Water-14, Mitigation of Impacts to the Palo Verde Mesa Groundwater Basin" states:

"To mitigate the impact from Project pumping, the Project owner shall identify and implement offset measures to mitigate the increase in discharge from surface water to groundwater that affects recharge in the Palo Verde Valley Groundwater Basin....The activities shall include the following water conservation projects: payment for irrigation improvements in Palo Verde Irrigation District, payment for irrigation improvements in Imperial Irrigation District, purchase of water rights within the Colorado River Basin that will be held in reserve, and/or BLM's Tamarisk Removal Program or other proposed mitigation activities acceptable to the CPM." (Draft Supplemental EIS, page C-111)

The Bureau of Land Management published a Record of Decision for the "Desert Harvest Solar Project and Amendment to the California Desert Conservation Area Land Use Management Plan" in March 2013. (Draft Supplemental EIS, page 4.1-21) Appendix 3 to that Record of Decision contains the "Full Text of Mitigation Measures and Applicant Measures".

(http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/palmsprings/desert_harvest_solar.Par.7152.8.File.dat/Appendix3_DesertHarvest_ROD.pdf) The Desert Harvest Solar Project is to be located northwest of the Palen Solar Electric Generating System, and is further away from the Colorado River. Appendix 3 to that Record of Decision includes the following mitigation measure, MM WAT-7, for the Desert Harvest Solar Project:

“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.

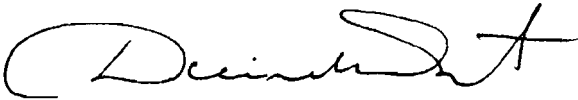
Mr. Frank McMenimen
October 24, 2013
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Therefore, this Plan must be developed, reviewed, approved of, and implemented as a separate, stand-alone document. Compliance with this measure shall be verified by the Environmental Monitor.”

Metropolitan requests that BLM substitute all of the provisions of MM-WAT 7 from Appendix 3 of the Desert Harvest Solar Project Record of Decision for Applicant’s Proposed Measure, “Soil&Water-14, Mitigation of Impacts to the Palo Verde Mesa Groundwater Basin”.

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,



Deirdre West
Manager, Environmental Planning Team

MM:rdl
(J:\Environmental Planning Team\Completed Folders\June 2011\Job No. 2011060901)

Attachments: Comment Letter on Palen Solar Power Plant DEIS dated June 15, 2010
Comment Letter on Palen Solar Power Plant FEIS dated June 9, 2011

cc: Ms. Tanya Trujillo
Executive Director
Colorado River Board of California
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Glendale, California 91203-1068