



THE METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA

# DOCKET

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**AUGUST 31, 2011**

**Via Electronic & U.S. Mail**

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To Whom it May Concern:

Notice of Intent (NOI) and Notice of Public Meeting, Desert Renewable Energy Conservation Plan (DRECP), Habitat Conservation Plan (HCP) and Possible Land Use Plan Amendment, Southern California: Environmental Impact Statement/Environmental Impact Report

The Metropolitan Water District of Southern California (Metropolitan) has reviewed the Federal Register [Volume 76, Number 146 (Friday, July 29, 2011)] Notice of Intent to prepare an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) of 1969, as amended, for the proposed Desert Renewable Energy Conservation Plan (DRECP). The EIS will be a joint Environmental Impact Statement/ Environmental Impact Report (EIS/EIR), for which the United States Fish and Wildlife Service and the Bureau of Land Management (BLM) will serve as co-Lead agencies for the NEPA process and the California Energy Commission (CEC) will serve as the Lead Agency for the California Environmental Quality Act (CEQA) process. The DRECP will then be prepared to meet the requirements of the Federal Endangered Species Act of 1973, as amended, and the State of California's Endangered Species Act and Natural Communities Conservation Planning Act. The BLM, in compliance with the Federal Land Policy and Management Act, as amended, will consider this NEPA process and the resulting DRECP documents in its analysis toward possible amendment of BLM's California Desert Conservation Area (CDCA) Plan of 1980, as amended.

## **Background**

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.

#### **Land Use Issues: Potential Impacts on Metropolitan Facilities**

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 supplemental water distribution system. Metropolitan is concerned with potential direct or indirect impacts that may result from the construction and operation of any proposed renewable energy projects or Habitat Conservation Plans (HCPs) on or near our Facilities. In order to avoid potential impacts, Metropolitan requests that the EIS/EIR 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 renewable energy projects or HCPs 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 EIS/EIR and staff assessment analyze and assess any potential impacts to Metropolitan's transmission system.

#### **Water Resources: Potential Impacts on Local Water Supplies**

Metropolitan is also concerned about the potential direct and cumulative impacts of renewable energy projects and HCPs on water supplies, specifically potential impacts on Colorado River and local groundwater supplies. 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 Interior, Bureau of Reclamation (USBR). In order to lawfully use Colorado River water, a party must have an entitlement to do so. See Boulder

Jim Bartel, Field Supervisor

Page 3

August 31, 2011

Canyon Project Act of 1928, 43 U.S.C. §§ 1501, et seq.; Arizona v. California, 547 U.S. 150 (2006).

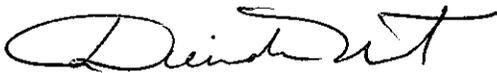
Renewable energy projects in the Mojave Desert previously described in EIRs and EISs proposed to use groundwater during construction and long-term operations, using groundwater within an area that is hydrogeologically connected to the Colorado River, within an area referred to as the "accounting surface." 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 Without an Entitlement, 73 Fed. Reg. 40916 (July 16, 2008); USGS Scientific Investigative Report No. 2008-5113. To the extent the Project uses Colorado River water, it must have a documented right to do so.

California is using its full entitlement of Colorado River water, meaning that all water is already contracted for and no new water entitlements are available in California. Project proponents would have to obtain any rights to entitlements from existing contract holders. Metropolitan is willing to discuss the transfer or exchange of a portion of its water entitlement subject to any required approvals and so long as the Proponents agree to provide a replacement supply. Proponents must fully address the impacts on Colorado River water resources and provide full mitigation for such impacts, including replacement of supply.

Metropolitan requests that the EIS/EIR for the DRECP 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 address the Proponent's water supply rights and any potential direct, indirect, 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 Mr. Michael Melanson at (916) 650-2648.

Very truly yours,



Deirdre West  
Manager, Environmental Planning Team

MM:rdl

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