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California Energy Commission

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Docket No. 9-RENEW EO-01  
1516 9<sup>th</sup> Street  
Sacramento, CA 95814-5512

Subject: Colorado River Board of California Comments on the Draft DRECP

To Whom It May Concern:

The Colorado River Board of California (Board) submits these comments regarding the Draft Desert Renewable Energy Conservation Plan (DRECP EIS/EIR) issued by the Bureau of Land Management, U.S. Fish and Wildlife Service, California Energy Commission and the California Department of Fish and Wildlife. The Board appreciates the opportunity to comment on this important document and supports the State and Federal coordination efforts to streamline the permitting process and facilitate development of renewable energy projects in certain areas to help meet the state and federal renewable energy goals.

Created in 1937, the Board is the state agency charged with safeguarding and protecting the rights and interests of the State of California and its agencies and citizens in the water and power resources of the Colorado River System. The Board has reviewed the DRECP EIS/EIR with a focus on the potential impact of potential renewable energy projects on Colorado River water resources within the DRECP EIS/EIR planning area.

The DRECP EIS/EIR provides a programmatic approach to evaluating estimated water use for potential renewable energy projects and addresses the potential creation of up to 20,000 megawatts of energy production in the Mojave Desert and Colorado/Sonoran Desert ecoregion subareas of California, encompassing approximately 22.5 million acres for a period of 25 years. Under the Preferred Alternative, 82,000 acre-feet of water per year (AFY) potentially would be used by geothermal and solar projects in the Imperial Borrego Valley ecoregion subarea where Development Focus Areas for geothermal and solar resources are located (16,000 acres and 38,000 acres, respectively). An additional 25,000 acres of solar projects are considered in the Cadiz Valley and the Chocolate Mountains ecoregion subareas with an estimated water use of

1,000 AFY. Quantifying actual impacts of particular projects, however, will require subsequent site-specific and project-specific investigations and will contain details such as the identification of the quantity and proposed sources of water required for Construction, Operations and Maintenance, and other Covered Activities as described in the DRECP EIS/EIR.

The DRECP EIS/EIR recognizes that projects that propose to utilize groundwater resources need to address any impacts of that groundwater use on the water supplies of the Colorado River. The DRECP EIS/EIR requires that projects that propose to utilize groundwater resources must apply the Colorado River Accounting Surface Method, as defined in the U.S. Geological Survey (U.S.G.S.) Scientific Investigations Report 2008-5113 (and future updates), which was developed to implement a provision of the Consolidated Decree of the U.S. Supreme Court in *Arizona v. California*, 547 U.S. 150 (2006) to ensure that Colorado River water uses are accounted. The DRECP EIS/EIR requires prospective developers to offset or otherwise mitigate the volume of water causing drawdown below the Accounting Surface and to prepare a Water Monitoring, Management and Mitigation Plan that details the proposed mitigation measures and/or rights to use Colorado River water.

According to the *Arizona v. California* Consolidated Decree, the Secretary of the Interior must account for the consumptive use of mainstream Colorado River water, which "includes all consumptive uses of water of the mainstream, including water drawn from the mainstream by underground pumping". Also, pursuant to the 1928 Boulder Canyon Project Act and the Consolidated Decree, no water shall be delivered from storage or used by any water user in the Lower Colorado River Basin without a valid contract between the Secretary and the water user. Within California, contracts have been executed between users of Colorado River mainstream water and the Secretary for water from the Colorado River that exceed California's basic entitlement to use Colorado River water as set forth in the Consolidated Decree. Therefore, no additional Colorado River water is available for use through new contracts for projects utilizing Colorado River water or groundwater which would be replaced by Colorado River water. Renewable energy projects that consumptively use groundwater from either the floodplain or below the Accounting Surface would need to contract with an existing Colorado River contract holder, either by direct service or through an exchange of non-Colorado River water for Colorado River water.

The Board understands that impacts on groundwater resources depend primarily on technology, technology type, and their respective water requirements. Given the challenges of acquiring Colorado River water for any project, the Board supports the use of the best available technology to minimize the use of water. In the past, certain solar project proponents have consulted with the Board on a project-by-project basis to evaluate water supply needs or mitigation plans to offset the potential effects of

groundwater pumping. These projects were typically sited near or within the area encompassed by the U.S.G.S. Accounting Surface and were generally located within the Cadiz Valley and the Chocolate Mountains ecoregion subareas defined in the DRECP EIS/EIR. The consultations helped the Board understand the project water requirements and potential groundwater pumping impacts on Colorado River supplies, and evaluate potential water supply options for the projects. The Board recommends that consultation with the Board and the U.S. Bureau of Reclamation be included as a requirement for projects seeking approval under the DRECP EIS/EIR that are located within, or adjacent to, the area encompassed by the Accounting Surface. The Board should also be provided an opportunity to review and comment on project-specific Water Supply Assessments to determine the availability of groundwater for use by a project, the Groundwater Monitoring and Reporting Plan that quantifies groundwater level changes, and any associated hydrogeologic investigation reports.

As a general comment, the DRECP EIS/EIR should respect existing land use practices as much as possible. Significant landholding, facilities, and infrastructure owned by utilities and other entities exist in the planning area and siting renewable energy projects in the same general area could result in direct and indirect impacts. In addition, the DRECP EIS/EIR should recognize planned habitat restoration sites such as the California portion of the Lower Colorado River Multi-Species Conservation Program (LCR MSCP) Planning Area that fall within the DRECP EIS/EIR study area and ensure that any proposed projects within, or adjacent to, the LCR MSCP Planning Area do not negatively impact LCR MSCP covered species, created habitats, or existing habitats. The LCR MSCP program area extends over 400 miles of the lower Colorado River and includes the historic 100-year floodplain along the main stem of the lower Colorado River. For more information on the LCR MSCP, please see <http://www.lcrmscp.gov/>.

The Board appreciates the opportunity to provide comments on the Draft DRECP EIS/EIR. If you have any questions or require further information, please contact me at 818-500-1625.

Sincerely,



Tanya M. Trujillo  
Executive Director

cc: Dr. Terry Fulp  
Regional Director  
Lower Colorado Region  
U.S. Bureau of Reclamation