

## CHAPTER 3.0 – COMMENTS AND RESPONSES TO COMMENTS

### 3.0 INTRODUCTION

This chapter includes all comments received on the Draft EIR during the 50-day public and agency review period (45-day minimum per CEQA, plus five days per County of Imperial Guidelines). No new significant environmental impacts or issues beyond those already identified in the Draft EIR for the Energy Source Mineral ATLiS Project were raised during the public review period. Acting as lead agency under CEQA, Imperial County directed responses to the comments received on the Draft EIR. Pursuant to CEQA Guidelines Section 15088.5, none of the comments received during the comment period involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR. This issue is discussed further in Chapter 1.0, Introduction in the Final EIR.

### 3.1 LIST OF COMMENTERS

The following individuals and representatives of organizations and agencies submitted written comments on the Draft EIR.

**Table 3.0-1: List of Commenters on the Draft EIR**

Comment Letter No.	Commenting Agency	Date of Comment
1	Imperial County Air Pollution Control District	July 7, 2021
2	California Department of Conservation	August 13, 2021
3	Imperial Irrigation District	August 17, 2021

It should also be noted that the Imperial County Fire Department submitted a letter prior to the public review period, noting that the Applicant met with the Fire Department, and listed the items that the Applicant has agreed to implement as part of the proposed Project. The Project will implement all of the requested requirements.

Additionally, Adams Broadwell Joseph & Cardozo (ABJC) Attorneys at Law submitted three comment letters during the public review period. Two were public records requests asking for more information, and one was a request to extend the public review timeline. Since closure of the public comment period, both letters have been revoked accordant with a request ABJC made to the County on September 9, 2021.

### 3.2 COMMENTS AND RESPONSES

#### 3.2.1 Requirements for Responding to Comments on a Draft EIR

CEQA Guidelines Section 15088 requires that lead agencies evaluate all comments on environmental issues received on the Draft EIR and prepare a written response. The written response must address the environmental issue(s) raised and provide a detailed response. Rationale must be provided when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, the written response must be a good faith and reasoned analysis. As long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Section 15204), lead agencies need only to respond to significant environmental issues associated with the project and do not need to provide all the information requested by commenters.

CEQA Guidelines Section 15204 recommends that commenters provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. CEQA Guidelines Section 15204 also notes that commenters should provide an explanation and evidence supporting their comments. Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

CEQA Guidelines Section 15088 also recommends that where the response to comments results in revisions to the Draft EIR, those revisions should be noted as a revision to the Draft EIR or in a separate section of the Final EIR. No comments necessitated revisions to the Draft EIR, as mentioned in Chapter 4.0, Errata of this Final EIR.

### **3.2.2      Comments and Responses to Comments**

Written comments on the Draft EIR are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the letters are coded using numbers (e.g., Comment Letter 1) and each issue raised in the comment letter is assigned a number that correlates with the letter (e.g. 1-1, 1-2, 1-3, etc.).

Comment-initiated text revisions to the Draft EIR and minor staff-initiated changes are compiled in their entirety and are demarcated with revision marks in Chapter 4.0, Errata, of this Final EIR.

150 SOUTH NINTH STREET  
EL CENTRO, CA 92243-2850

TELEPHONE: (442) 265-1800  
FAX: (442) 265-1799



July 7, 2021

Jim Minnick, Director  
Imperial County Planning & Development Services  
801 Main Street  
El Centro, CA 92243

**SUBJECT: Draft Environmental Impact Report for Energy Source Mineral ATLiS Project  
(Energy-Source Minerals, LLC)**

Dear Mr. Minnick:

During a conference call with representatives of the Project on July 1, 2021, the Air District expressed concern that adjusting the default setting of 50 percent to 100 percent for Paved Roads and Road Dust represented an unrealistic model of real world conditions. The California Emissions Estimator Model (CalEEMod) default settings are not arbitrary. They represent mutually agreed upon best available control measures and should not be changed without prior consultation with the Air District.

However, following consultation with Project representatives, an **enhanced Construction Dust Control Plan (E-CDCP) as a condition of the Conditional Use Permit (CUP)** would be sufficient to keep the Project from exceeding a Tier 1 "less than significant" threshold. An E-CDCP should include some, but is not limited to, the following examples. The Project applicants are encouraged to review the options below and then consult with the Air District.

- **Watering must be performed continuously** at all times on all roadways with record-keeping to document such.
- **Reduced speed** for all vehicle types not to exceed 40 mph on paved surfaces/roadways and no more than 15 mph on unpaved surfaces/roadways.
- Whenever possible, **trips should be made using carpools** to reduce the 499 Worker Trips during the Building Construction phase as modeled by CalEEMod.

Comment  
1-1

- Other **discretionary fugitive dust controls can be implemented** as described in Section 7.1 of the Imperial County California Environmental Quality Act (CEQA) Hair Quality Handbook.

↑  
Comment  
1-1 cont.

The CalEEMod output included in the DEIR provides for a construction schedule of just under 18 months. As a precautionary measure against a condensed construction period the **Air District is requesting the following condition**. A **Construction Equipment List** in Excel format detailing the equipment type, make, model, year, horsepower, hours of daily operation, date arrived onsite, and date removed from site must be submitted to the Air District on a regular basis to ensure NOx emissions remain under the CEQA thresholds of significance.

Comment  
1-2

In addition to the above, the Project must adhere to **Regulation VIII** at all times. Formal written notification must be given to the Air District **10 days prior to the start of construction**. Finally, any **generator** greater than 50 brake horsepower must be permitted through the Permitting and Engineering.

Comment  
1-3

For your convenience, Air District rules and regulations can be accessed online at <https://apcd.imperialcounty.org/rules-and-regulations>. The Air District offices can be reached at (442) 265-1800.

Respectfully,  
  
Curtis Blondell  
APC Environmental Coordinator

Reviewed by,  
  
Monica N. Soucier  
APC Division Manager

## **RESPONSE TO COMMENT LETTER 1**

**Commenter: Curtis Blondell, APC Environmental Coordinator, Imperial County Air Pollution Control District**

**Date of Letter: July 7, 2021**

**Response to Comment 1-1:** The commenter describes their concern regarding adjusting the CalEEMod default setting of 50 percent to 100 percent for Paved Roads and Road Dust. Following a conference call between representatives of the Project and the Imperial County Air Pollution Control District (ICAPCD) it was determined that the Applicant would implement an enhanced Construction Dust Control Plan (E-CDCP) as best management practice that would be codified as a condition of approval (COA) of the Conditional Use Permit. Preparation of the E-CDP is fundamentally a preventive and protective measure and is reflective of a stakeholder, namely the ICAPCD. It also serves to confirm generally applicable regulations that would apply to the Project that further reduce an already less-than-significant impact and improve environmental conditions when compared with the baseline conditions. The Applicant voluntarily adopted this condition as a preventive and protective measure, and not a CEQA mitigation measures. The Applicant will consult with the ICAPCD to determine the necessary management practices to satisfy the E-CDCP.

**Response to Comment 1-2:** The commenter requests a Construction Equipment List in Excel format detailing the equipment type, make, model, year, horsepower, hours of daily operation, date arrived on site, and date removed from site to ensure NO<sub>x</sub> emissions remain under the CEQA threshold of significance. The Applicant agrees to submit a Construction Equipment List to the ICAPCD on a regular basis throughout the construction period. As noted in the response to Comment 1-2, the Applicant voluntarily adopted this condition as a preventive and protective measure, and not a CEQA mitigation measure.

**Response to Comment 1-3:** The commenter requests formal written notification to the ICAPCD ten days prior to the start of construction, in compliance with ICAPCD Regulation VIII. The Applicant will provide this formal written notification. Additionally, the Applicant will apply for an ICAPCD permit for the 600-horsepower emergency generator proposed as part of the Project. As noted in the response to Comment 1-2, the Applicant voluntarily adopted this condition as a preventive and protective measure, and not a CEQA mitigation measure.

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California  
**Department of Conservation**  
Division of Mine Reclamation

Gavin Newsom, Governor  
David Shabazian, Director

August 13, 2021

**COPY SENT VIA EMAIL:** [DavidBlack@co.imperial.ca.us](mailto:DavidBlack@co.imperial.ca.us)

Mr. David Black  
Imperial County  
Planning and Development Services Department  
801 Main Street  
El Centro, CA 92243

Dear Mr. Black:

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE ENERGY SOURCE MINERAL ATLiS PROJECT; IMPERIAL COUNTY, CALIFORNIA STATE CLEARINGHOUSE (SCH) #2020120143

Thank you for including the **Department of Conservation's Division** of Mine Reclamation (Division) in the environmental review process for the Energy Source Mineral ATLiS Project (Proposed Project) Draft Environmental Impact Report (Draft EIR) released on June 28, 2021. The Draft EIR indicates that Imperial County (County), as lead agency under the California Environmental Quality Act (CEQA), prepared and circulated an Initial Study and Notice of Preparation for the Proposed Project on December 8, 2020, to agencies and the public to review and provide comment; the Department of Conservation did not receive this document. Comments from this process were considered and used in preparation of this Draft EIR.

Comment  
2-1

As described in the Draft EIR, the Proposed Project would construct and operate a commercial lithium hydroxide production plant within the Salton Sea geothermal field in the County. Specifically, the Proposed Project would consist of:

- Construction and operation of a facility (the ATLiS plant) to extract lithium, manganese, zinc, and other commercially viable substances from geothermal brine from the neighboring Hudson Ranch Geothermal Plant (HR1) and process the extracted substances to produce commercial quantities of lithium and, to the extent possible, manganese, zinc, and other products.
- Construction and operation of brine supply and return pipelines and other associated interconnection facilities with the HR1.
- Construction of a primary access road from McDonald Road (approximately 500 feet west of the HR1 entrance), a second primary access about 800 feet west, and an emergency access entrance only from Davis Road.
- Paving of McDonald Road from State Route 111 (Highway 111) to English Road (approximately 2 miles).
- Construction of a power inter-connection line from the Imperial Irrigation District (IID) and HR1 switchyard located at the northeast corner of the HR1 site.

Comment  
2-2

State of California Natural Resources Agency | Department of Conservation  
801 K Street, MS 09-06, Sacramento, CA 95814  
[conservation.ca.gov](http://conservation.ca.gov) | T: (916) 323-9198



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Mr. David Black  
ATLiS - DMR CEQA Comment Letter  
August 13, 2021

- Construction of associated facilities between HR1 and the Project site to facilitate the movement of brine and other services.
- Construction of a laydown yard that will also support temporary offices during construction as well as serve as a truck management yard during operations.
- Construction of offices, repair facilities, shipping and receiving facilities, and other infrastructure including the relocation of the IID structures and road improvement at Highway 111.

Comment  
2-2 cont.

The Division's primary focus is on active surface mining; however, the Division also addresses issues related to abandoned (pre-1976) legacy mines. The Division has review responsibilities associated with lead agency implementation of the Surface Mining and Reclamation Act of 1975 (SMARA; Public Resources Code [PRC] Section 2710 et seq.). SMARA provides a comprehensive surface mining and reclamation policy to assure that:

- Adverse environmental effects of surface mining operations are prevented or minimized and mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.
- Production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.
- Residual hazards to the public health and safety are eliminated.

Comment  
2-3

Division staff has reviewed the subject Draft EIR pursuant to CEQA statutes and guidelines and offers the following comments at this time:

- The Division questions where in the Draft EIR consideration is given to SMARA and the primary relationship it establishes between mining and reclamation. Specifically, will a reclamation plan be developed for the Proposed Project? If so:
  - Division staff will provide comments on the Reclamation Plan for this proposed mining activity once the Reclamation Plan and any supporting documents have been received by the Division along with the statement from the County that certifies the submission as complete and in accordance with PRC Section 2772.1(a)(3)(A-C).
  - Division staff will provide comments on the financial assurance cost estimate for the Proposed Project in accordance with PRC Section 2773.4(a-c).

Comment  
2-4

The Division requests to be included on the distribution list for this Proposed Project. Additionally, the Division requests that any subsequent project documents (e.g., the

Comment  
2-5

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Mr. David Black  
ATLiS - DMR CEQA Comment Letter  
August 13, 2021

Final EIR, hearing notices for the Draft and Final EIRs, and any supplemental environmental documents), as well as a copy of the certified Final EIR, be sent to the Division at [DMR-Submittals@conservation.ca.gov](mailto:DMR-Submittals@conservation.ca.gov).

If you have any questions about these comments, please contact me at (916) 323-9198.

Sincerely,

DocuSigned by:  
*Cameron Campbell*  
F1336FAAF5AA486...

Cameron Campbell, P.G.  
Supervisor

cc: State Clearinghouse, [state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)  
Department of Conservation, Office of Legislative and Regulatory Affairs,  
[OLRA@conservation.ca.gov](mailto:OLRA@conservation.ca.gov)  
Greg Tenorio, Department of Conservation, Legal Office  
State Mining and Geology Board, [smgb@conservation.ca.gov](mailto:smgb@conservation.ca.gov)  
Carol E. Atkins, Division of Mine Reclamation, Environmental Services Unit



Comment  
2-5 cont.



## **RESPONSE TO COMMENT LETTER 2**

**Commenter: Cameron Campbell, Supervisor, California Department of Conservation**

**Date of Letter: August 13, 2021**

**Response to Comment 2-1:** Introductory statement noting that the California Department of Conservation (DOC) did not receive the Initial Study and Notice of Preparation for the Project dating back to December 2020. No response is required.

**Response to Comment 2-2:** The commenter accurately provides a description of the Project. No response is required.

**Response to Comment 2-3:** The commenter explains the goals of the surface mining and reclamation policy under the Surface Mining and Reclamation Act of 1975 (SMARA).

**Response to Comment 2-4:** The commenter inquires about the consideration given to SMARA in the Project's draft EIR, specifically whether the Project will develop a reclamation plan. At the conclusion of the Project, a reclamation plan will be prepared and provided to DOC staff for review. The County will certify the submission as complete in accordance with PRC Section 2772.1(a)(3)(A-C), and DOC staff will provide comments on the financial assurance cost estimate in accordance with PRC Section 2773.4(a-c).

**Response to Comment 2-5:** The commenter requests to be included in the distribution list for the Project. The County will distribute all subsequent Project documents, including a copy of the certified Final EIR, to the DOC.



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August 17, 2021

Mr. David Black  
Planner IV  
Planning & Development Services Department  
County of Imperial  
801 Main Street  
El Centro, CA 92243

SUBJECT: NOA of a DEIR for the Energy Source Mineral Atlis Project

Dear Mr. Black:

On June 28, 2021, the Imperial County Planning & Development Services Department published the Notice of Availability of a Draft Environmental Impact Report for the Energy Source Mineral Atlis Project. The applicant, Energy-Source Minerals, LLC; proposes to construct and operate a commercial lithium hydroxide, manganese and zinc production plant within the Salton Sea geothermal field to process geothermal brine from the neighboring Hudson Ranch 1 geothermal power plant and produce mineral products for commercial use. The project includes the construction of brine pipelines and other associated interconnection facilities with the HR 1 plant; construction of a primary access road from McDonald Road, a second primary access about 800 ft. west and an entrance-only emergency access from Davis Road; paving of McDonald Road from SR 111 to English Road; construction of an interconnection line from the IID and Hudson Ranch 1 switchyard located at the northeast corner of the HR 1 site to the Atlis plant; construction of associated facilities between HR 1 and the project site to facilitate the movement of brine and other services; construction of a laydown yard that will also support temporary offices during construction as well as serve as a truck management yard during operations; and construction of offices, repair facilities, shipping & receiving facilities and other infrastructure including the relocation of IID structures and road improvements at SR 111. The project site is located at 477 West McDonald Road, Calipatria, CA.

Comment  
3-1

The Imperial Irrigation District has reviewed the project information and in addition to the remarks provided in the January 14, 2021 district letter (see attached letter), has the following comments:

Comment  
3-2

1. The proposed project has identified a raw water supply need of 3,400 acre-feet per year. In order to obtain a water supply from IID for a non-agricultural project, the project proponent will be required to comply with all applicable IID policies and regulations, including the Interim Water Supply Policy for non-agricultural projects. Such policies and regulations require, among other things, that all potential

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David Black  
August 17, 2021  
Page 2

environmental and water supply impacts of the project be adequately assessed, appropriate mitigation developed if warranted, including any necessary approval conditions adopted by the relevant land use and permitting agencies.

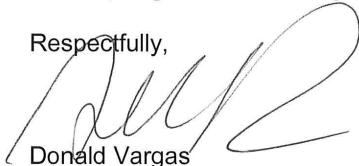
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Comment  
3-2 cont.

2. The project proponent will be required to enter into a water supply agreement. If IID implements a water allocation or apportionment program pursuant to the IID Equitable Distribution Plan, or any amending or superseding policy for the same or similar purposes, during all or any part of the term of said water supply agreement, IID shall have the right to apportion the project's water as an industrial water user. Further information on how to obtain a water supply agreement is available for download at the district website <https://www.iid.com/water/municipal-industrial-and-commercial-customers> or contact Justina Gamboa-Arce at (760) 339-9085 or [jgamboarce@iid.com](mailto:jgamboarce@iid.com).

↑  
Comment  
3-3

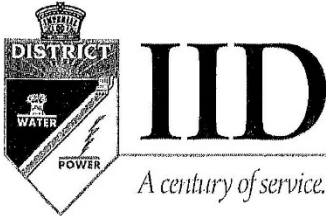
Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at [dvargas@iid.com](mailto:dvargas@iid.com). Thank you for the opportunity to comment on this matter.

Respectfully,



Donald Vargas  
Compliance Administrator II

Enrique B. Martinez – General Manager  
Mike Pacheco – Manager, Water Dept.  
Marilyn Del Bosque Gilbert – Manager, Energy Dept.  
Constance Bergmark – Mgr. of Planning & Eng./Chief Elect. Engineer, Energy Dept.  
Jamie Asbury – Assoc. General Counsel  
Vance Taylor – Asst. General Counsel  
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance  
Laura Cervantes. – Supervisor, Real Estate  
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.



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January 14, 2021

Mr. David Black  
Planner IV  
Planning & Development Services Department  
County of Imperial  
801 Main Street  
El Centro, CA 92243

SUBJECT: NOI to Prepare a Draft EIR for Energy Source Mineral AtliS Project; CUP #20-0008

Comment  
3-4

Dear Mr. Black:

On December 8, 2020, the Imperial Irrigation District received from the Imperial County Planning & Development Services Dept. a request for agency comments on the Notice of Preparation of a Draft Environmental Impact Report for the Energy Source Mineral AtliS Project. The applicant, Energy Source Mineral, LLC, is proposing to construct and operate a commercial lithium hydroxide production plant within the Salton Sea geothermal field in Imperial County, California. The plant will process geothermal brine from the neighboring Hudson Ranch Power I geothermal plant to produce lithium hydroxide, as well as zinc and manganese products to be sold commercially. Among other activities, the project is considering the construction of a primary access road from McDonald Road (approx. 500 ft. west of the HRP I geothermal plant entrance) and an emergency access entrance from Davis Road, the paving of McDonald Road from Highway 111 to English Road (about 3 miles) and the construction of a power interconnection line from the IID and the existing HRP I switchyard. The project will be located at 477 West McDonald Road, Calipatria, CA on land owned by Hudson Ranch Power I, LLC: APNs 020-100-025, -100-044, and -100-046. Currently, the HRP I geothermal plant is sited within the northeast corner of parcel APN 020-100-044.

The Imperial Irrigation District has reviewed the project information and has the following comments:

1. Since the project considers the installation of 600 HP emergency diesel electricity generation to be used to keep vital plant systems operating during plant outages, this will need to be vetted by IID Energy Department for system impacts. For further information, the applicant should be advised to contact Jesus Martinez who oversees the district's Transmission Planning section at (760) 339-0574.
2. For distribution-rated electrical service for the project (15kV or less), the applicant should be advised to contact Ignacio Romo, IID Customer Project Development Planner, at (760) 482-3426 or e-mail Mr. Romo at [igromo@iid.com](mailto:igromo@iid.com) to initiate the customer service application process. In addition to submitting a formal application (available for download at the district website <http://www.iid.com/home/showdocument?id=12923>), the applicant will be required to submit a complete set of County-approved plans (including CAD files),

Comment  
3-5

Comment  
3-6

IMPERIAL IRRIGATION DISTRICT • P.O. BOX 937 • IMPERIAL, CA 92251



David Black  
January 14, 2021  
Page 2

project schedule, estimated in-service date, one-line diagram of facility, electrical panel specifications (size, voltage, and location) and the applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of temporary and permanent electrical service to the project. The applicant shall be responsible for all costs and mitigation measures related to providing electrical service to the project.

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Comment  
3-6 cont.

3. IID water facilities that may be impacted include the O Lateral and the O Drain due to road improvements to be undertaken at Highway 111 and McDonald Road. The project proposes the relocation of canal gates on the west side of Highway 111 and relocation of a drain exit structure on the west side of Highway 111.

Comment  
3-7

4. To insure there are no impacts to IID water facilities, the applicant should submit the project's design plans to the IID Water Department Engineering Services section for review prior to final design approval. The IID WDES Section can be contacted at (760) 339-9265 for additional information.

Comment  
3-8

5. To obtain water for construction, the applicant should be advised to contact IID North End Division at (760) 482-9800. The use of IID water during the project's construction phase will require an encroachment permit.

Comment  
3-9

6. The applicant may not use IID's canal or drain banks to access the project site. Any abandonment of easements or facilities will be approved by IID based on systems (irrigation, drainage, power, etc.) needs.

Comment  
3-10

7. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions are available for download at <http://www.iid.com/departments/real-estate>. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements.

Comment  
3-11

8. In addition to IID's recorded easements, IID claims, at a minimum, a prescriptive right of way to the toe of slope of all existing canals and drains. Where space is limited and depending upon the specifics of adjacent modifications, the IID may claim additional secondary easements/prescriptive rights of ways to ensure operation and maintenance of IID's facilities can be maintained and are not impacted and if impacted mitigated. Thus, IID should be consulted prior to the installation of any facilities adjacent to IID's facilities. Certain conditions may be placed on adjacent facilities to mitigate or avoid impacts to IID's facilities.

Comment  
3-12

9. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to canals, drains, electrical utility substations, electrical transmission and distribution lines, water deliveries, canals, drains, etc.) need to be included as part of the project's CEQA and/or NEPA documentation, environmental

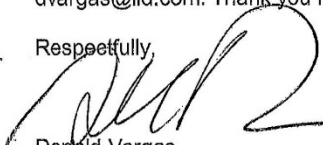
Comment  
3-13

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January 14, 2021  
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Impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully analyzed. **Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.**

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at [dvargas@iid.com](mailto:dvargas@iid.com). Thank you for the opportunity to comment on this matter.

Respectfully,



Donald Vargas  
Compliance Administrator II

Comment  
3-14

Enrique B. Martínez – General Manager  
Mike Pacheco – Manager, Water Dept.  
Marilyn Del Bosque Gilbert – Manager, Energy Dept.  
Sandra Blain – Deputy Manager, Energy Dept.,  
Constance Bergmark – Mgr. of Planning & Eng./Chief Elect. Engineer, Energy Dept.  
Janle Asbury – Assoc. General Counsel  
Vance Taylor – Asst. General Counsel  
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance  
Laura Cervantes – Supervisor, Real Estate  
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.



### **RESPONSE TO COMMENT LETTER 3**

**Commenter: Donald Vargas, Compliance Administrator, Imperial Irrigation District**

**Date of Letter: August 17, 2021**

**Response to Comment 3-1:** Introductory statement noting that the Imperial Irrigation District (IID) received the Notice of Availability for the Project on June 28, 2021. The commenter accurately summarizes the project description. No response is required.

**Response to Comment 3-2:** The commenter states that the Project is required to comply with all applicable IID policies and regulations to obtain a water supply from IID. All environmental and water supply impacts of the Project were adequately assessed in the draft EIR, and appropriate mitigation was developed.

**Response to Comment 3-3:** The commenter requests that the Applicant enter into a water supply agreement. As noted in the Water Supply Assessment prepared for the Project, the Applicant will enter into a water supply agreement prior to Project implementation.

**Response to Comment 3-4:** The commenter provides a copy of their comment letter dated January 14, 2021. The comment is an introductory statement noting that the IID received the Notice of Preparation for the Project on December 8, 2020. The commenter accurately summarizes the project description. No response is required.

**Response to Comment 3-5:** The commenter states that the installation of a 600-horsepower emergency diesel electricity generator proposed for the Project will need to be vetted by the IID Energy Department. The Applicant will contact Jesus Martinez as suggested to complete vetting.

**Response to Comment 3-6:** The commenter requests that the Applicant contact Ignacio Romo at IID to initiate the customer service application process. The Applicant will contact Mr. Romo in addition to submitting a formal application and submitting a complete set of County approved plans; project schedule; estimated in-service date; one-line diagram of the facility; electrical panel specifications; and the applicable fees, permits, easements, and environmental compliance documentation.

**Response to Comment 3-7:** The commenter correctly summarizes the Projects' impacts to IID water facilities. No response is required.

**Response to Comment 3-8:** The commenter requests that the Applicant submit the Project's design plans to the IID Water Department Engineering Services. The Applicant will send the Project's design plans for review prior to final design approval.

**Response to Comment 3-9:** The commenter advises that the Applicant contact IID North End Division to obtain water for construction. The Applicant will contact IID and submit an encroachment permit for the use of IID water during construction.

**Response to Comment 3-10:** The commenter states that the Applicant may not use IID's canal or drain banks to access the Project site. The Applicant will not use the IID canal or drain banks for Project access.

**Response to Comment 3-11:** The commenter requires an encroachment permit or encroachment agreement for construction or operation on IID property or within its existing and proposed right-of-way or easements. The Project does not propose construction or operation on IID property.

**Response to Comment 3-12:** The commenter advises the Applicant to consult with IID prior to the installation of any facilities adjacent to IID's facilities. The Project does not propose the construction of facilities adjacent to IID's facilities.

**Response to Comment 3-13:** The commenter requests that any new, relocated, modified, or reconstructed IID facilities be included as part of the Project CEQA and/or NEPA documentation. The Project proposes to relocate canal gates on the west side of Highway 111 and to relocate a drain exit structure on the west side of Highway 111. These relocations are analyzed in the Project's Draft EIR.