



Ocotillo Wells District  
5172 Highway 78, #10  
Borrego Springs, CA 92004

Governor's Office of Planning & Research

November 27, 2019

**DEC 09 2019**

**STATE CLEARINGHOUSE**

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

RE: Orni 5 Project (Conditional Use Permit #18-0038), SCH #2019119033

Dear Mr. Black:

The California Department of Parks and Recreation (State Parks) appreciates the opportunity to comment on the proposed Orni-5 Truckhaven Geothermal Exploratory Wells and Geophysical Testing Project (Project). The applicant proposes to drill and test up to six (6) exploratory wells on private and/or state land, with an additional four (4) wells proposed on federal land. The Project also incorporates geophysical testing that will refine the placement and drilling of these wells.

For the proposed Project, State Parks is both a Responsible Agency (§15381) and a Trustee Agency (§15386) under the California Environmental Quality Act (CEQA). State Parks manages the Ocotillo Wells State Vehicular Recreation Area (OWSVRA), a portion of which underlies the proposed project area. The proponent plans on applying for a State Parks Right of Entry permit to conduct geophysical testing in this portion of the project area. Imperial County's environmental document will be used to support State Parks' determination to issue or not issue a Right of Entry permit.

OWSVRA is charged with improving and conserving habitat (Public Resources Code §5090.35), while providing high quality off-highway vehicle recreation over approximately 85,000 acres. Visitors to OWSVRA vary from 600,000 to over 1 million annually. Approximately 5,423 acres of the OWSVRA underlie the proposed project area, while additional portions of the recreation area would border the Project.

After review of the Mitigated Negative Declaration and Initial Study, State Parks respectfully submits the following comments and concerns:

**General**



On page 9, California State Lands Commission should be included as a public agency whose approval is required.

Some edits should be made to the project description to provide clarity. On page 11, paragraph 4 states that the survey paths will be 10' wide x 200' long, covering approximately 189 acres. What is the total mileage of survey paths?

Continuing on page 11, paragraph 5 states that OWSVRA borders the project area. This statement should be edited for clarity. Approximately 5,423 acres of OWSVRA are within the project area. Additional acreage within the park borders the Project.

Within the project description, please also provide information on the total approximate miles or feet of access roads that will be constructed or improved for this project. The anticipated width of the roads is defined, but the approximate length is not.

On page 13, please provide further information on restoration as it may not be feasible in portions of the project area, which has not been addressed. A description of anticipated restoration activities should be incorporated into the project description.

The well drilling project description, on page 14, states that "underbalanced drilling may also be utilized in an effort to minimize water needs and to reduce risk of formation damage from drilling mud." It was not clear where these risks and/or potential impacts were addressed in the Initial Study. Prior to approving an environmental document, further information and analysis of these potential impacts should be incorporated into the Initial Study.

### **Aesthetics**

The following comments are in regards to Aesthetics (c). We recommend the following edit: "Tire tracks from vibrator trucks would also be hand raked at the completion of the survey in an attempt to blend the tracks with surrounding soil surface." While the goal is to blend tracks so that they are comparable with pre-survey conditions, this may not be feasible. Additionally, complete raking of tracks is not anticipated; the Proponent has proposed raking tracks within the line of sight of trails.

Scenic resources in the project area may not have been identified in the County General Plan, however there are popular viewpoints (ex. Tectonic Gorge, Truckhaven overlook, etc.) that overlook the survey area within Ocotillo Wells SVRA. We do not agree with that statement that no scenic resources are present based upon these popular viewpoints.

For the exploratory wells, please note that the lack of development is a key aesthetic value of Ocotillo Wells SVRA, and is important to the recreational setting. There are currently a limited number of capped wells within the area, and the Project will result in an increase. These capped wells may be visible from popular viewpoints, particularly during testing.

The scenic resources and values mentioned above should be incorporated into the Initial



Study and the potential impacts should be reevaluated prior to the finalization of any environmental document.

### Air Quality

On page 26, the first paragraph discusses the need for fugitive dust reduction measures. Does the project site refer to the entirety of the project site or the exploratory wells only? Will stabilizers be applied, and if so, which types might be used?

For Air Quality (a), we recommend the following edit: the geophysical survey would not include any residential or commercial development, nor does the Project require the preparation of an EIR. The current statement refers to the exploratory wells.

On page 28, the second paragraph and Table 5 refer to on-road vehicles. For the geophysical survey, what is considered an on-road vehicle? In much of the survey area, vibroseis trucks will be off-trail, and in some cases, may create new routes. The analysis of the geophysical survey must incorporate all potential off-trail emissions that may occur.

Continuing on page 28, the third paragraph refers to geophysical survey emissions for one well site, however the survey is not associated directly to one well site. Please clarify how the emissions are being reviewed against the pollutant thresholds.

In Table 6, are access roads included in the analysis of construction-related criterial pollutant emissions from individual well sites?

### Biological Resources

In the discussion of special-status wildlife species, it should be noted that other sensitive species have been detected in the proposed project area, although they were not detected during the biological surveys specific for this Project. Of particular interest is the multiple observations of nesting prairie falcon (*Falco mexicanus*) within the project area.

Regarding MM-BIO-1, it states that preconstruction surveys will occur no more than 14 days prior to the start of construction to verify that no special-status species are in the project area or buffers. Is this mitigation measure intended throughout the Project, or only for the exploratory wells? What will be the response if a sensitive species, particularly one not addressed in other mitigation measures, is detected in the project area? This mitigation measure may be sufficient for special-status plants, however it is likely impractical for most wildlife species. Further information should be incorporated into this mitigation measure to ensure that it is effective in reducing potentially significant impacts prior to the completion of the environmental document.

MM-BIO-5 discusses flat-tailed horned lizard (*Phrynosoma mcallii*) relocation. OWSVRA is party to a regional conservation plan, referred to as the Flat-tailed Horned Lizard Rangewide Management Strategy, 2003 Revision (RMS). We recommend incorporated mitigation strategies listed in the RMS into the environmental document. A



copy of these mitigation strategies has been attached.

We recommend expanding MM-BIO-7 to incorporate all vegetation, to the extent feasible. Within the project area, vegetation is sparse. All vegetation and wildlife within OWSVRA is protected, regardless of listing status.

MM-BIO-8 calls for sensitive resources to be flagged to reduce vehicle straying. While flagging is a good tool for avoidance, it should not be left out long as it may attract attention, potentially leading to resource damage.

In the response to Biological Resources (d), nesting birds are discussed. It is important to note that nesting prairie falcon have been observed by State Parks staff within the project area. These nests have been used for multiple years. If the Project will occur during the nesting bird season, it will be important that preconstruction nest surveys be completed and active nests are appropriately avoided.

### **Cultural Resources**

In section (a), please define a project feature. The Initial Study states that “no cultural resources are located within a feature of the Proposed Project,” however certain drive paths have the potential to impact cultural resources.

### **Energy**

For section (a), the analysis of exploratory wells energy use is vague. Perhaps an estimate from a similar project could be used to provide an in-depth analysis of potential impacts.

### **Geology and Soils**

With regards to landslides, during the 2018 vibroseis demonstration, debris was noted falling from wash walls.

We recommend incorporating a discussion of potential impacts associated with soil erosion or loss of topsoil into section (b). The disturbance of soil crust during the geophysical survey and construction of exploratory wells will increase the erosion potential, as well as expose potentially more emissive subsoil. While the project incorporates strategies that may reduce the potential impacts of the project, discussion should be focused on what the potential impacts are and why these measures are appropriate as mitigation and/or avoidance. In addition, the Initial Study discussion states that the potential impacts are less than significant, while the checkbox marks that impacts are potentially significant without mitigation. The discussion should provide context on this discrepancy.

Section (c) states that no major soil disturbance is anticipated. We recommend additional review of soil disturbance impacts prior to finalizing any environmental document.

This section refers to the California Division of Oil and Gas (CDOG), which may be a reference to the California Division of Oil, Gas, and Geothermal Resources (CDOGGR).



In addition, a potential mitigation plan is mentioned, although there is no discussion of what impacts would be mitigated.

We are concerned that the review for section (b) and (c) is focused on the permitting efforts, rather than discussing potential impacts in the environmental document. It is important that potential impacts and proposed mitigation is discussed and disclosed during CEQA review, particularly as permits will be based on the CEQA analysis.

Regarding paleontological resources, we appreciate the inclusion of concretions, sandstone bars, and visible Lake Cahuilla remnants as unique geologic features in this document. Potential impacts to geologic features and necessary mitigation measures, as appropriate, must be incorporated into section (f) prior to finalizing any environmental document.

MM-PAL-3 refers to the cost of curation being the responsibility of 8nb. We believe that Ormat may have been intended.

#### **Greenhouse Gas Emission**

Please provide the calculations for the geophysical survey in Table 10. The amount of Project generated MTCO<sub>2e</sub> per year may need to be updated in section (b).

#### **Hazards and Hazardous Materials**

We recommend updating section (e) to include a brief discussion of the Airport Land Use Commission's determination on the project's compatibility.

Section (f) states that no access routes will be restricted or blocked during the project, however in the Land Use and Planning section, it states that "temporary signage would be placed to close off the survey area for an anticipated 12 to 14 days." Please provide information regarding temporary closures in regards to these access routes. Depending on the points that are restricted, emergency access routes may be impacted.

#### **Hydrology and Water Quality**

Section (c) discusses the Stormwater Pollution Prevention Plan (SWPPP) in regards to the geophysical survey, however previously the SWPPP has only been in reference to the exploratory wells. Will the SWPPP apply to the entirety of the Project?

This section also states that drainages will be reconstructed to BLM standards. We recommend editing this statement to reflect that different standards may be applied dependent on the land owner.

#### **Land Use and Planning**

Section (a) discusses temporary signage that will close off the survey area for 12 to 14 days. Please provide further information regarding temporary closures and/or detours that may be in place. Will access to Ocotillo Wells SVRA and County Dump Road be restricted? We ask that the County and the Proponent coordinate with Ocotillo Wells SVRA staff on temporary closures.

**Public Services**

No impacts have been identified to law enforcement, however potential impacts could occur. If drive paths disturb previously undisturbed areas, failure to fully restore these locations to pre-disturbance conditions will result in continued use. This could lead to increased calls for law enforcement, both for enforcement of closures and emergency services. We cannot agree with the “no impact” determination. At minimum, we recommend a “Less Than Significant Impact” determination be utilized.

Similarly, no impacts were identified to public facilities, however there are potential environmental impacts, such as increased trails and riding access to limited use areas, illegal OHV use, erosion, etc., that were identified by the project review. Similarly, there is a potential for increased law enforcement service, both in response to environmental impacts, as well as the potential for increased emergency responses to limited use portions of the park.. Due to these factors, there is a potential for impacts to public facilities, such as Ocotillo Wells SVRA and we recommend that, at minimum, a “Less Than Significant Impact” determination be utilized.

**Recreation**

Section (a) determined that no impacts will occur to recreational facilities. While existing trails within OWSVRA will be utilized to the extent feasible, many drive paths are not located along existing trails. Signage and raking likely cannot minimize the potential impacts of these drive paths. Furthermore, simply raking ingress and egress points will not sufficiently deter interest and future use. We cannot agree with the finding of “no impact.”

**Transportation**

Section (a) briefly mentions County Dump Road as having very low traffic volume. We recommend further consideration of County Dump Road as it is well-traveled and construction may result in an impact to the public and/or OWSVRA if vehicles are detoured into the park or to the county dump through alternate routes. The Land Use and Planning section states that temporary signage will be posted to close the survey area for approximately two weeks. Closure information should be provided and further discussed.

Section (c) states that public OHV travel will be limited by raking at entry and exit points. Raking ingress and egress points will not be sufficient to deter interest and potential use by OHV riders.

Section (d) discusses emergency access, and determined that no impacts would occur. Clarification needs to be made throughout the document on the necessity and use of temporary closures, as these could be an impediment to emergency access.

**Tribal Cultural Resources**

Based upon edits made from the administrative draft of the Initial Study to the current draft Initial Study, we recommend that Imperial County notify both the Torres-Martinez



and Quechan Tribes of the changes and provide an opportunity to consult on the Project.

We recommend the following edit to the third paragraph: Proposed Project features have been moved to positions that would avoid the recorded site boundaries; however certain project features have the potential to impact historic resources.

#### Attachment A

Table 8 is currently outdated and should be updated. Chaparral sand-verbena (*Abronia villosa* var. *aurita*), Peirson's pincushion (*Chaenactis carphoclinia* var. *peirsonii*), ribbed cryptantha (*Johnstonella costata*), Thurber's pilostyles (*Pilostyles thurberi*), Olney's three-square bulrush (*Schoenoplectus americanus*), and Orcutt's woody aster (*Xylorhiza orcuttii*) were observed during biological field surveys contracted for this Project. It is important to note that *S. americanus* is not sensitive, however within OWSVRA it is associated with surface seeps and springs, which must be avoided.

Table 9 should be updated with the following information. Pallid bat (*Antrozous pallidus*) and Western red bat (*Lasiurus blossevillii*) have been observed within the survey area, in Tule Wash. These observations were detected by Jeff Alvarez in 2017 (copies of the report can be provided, if needed). Nesting prairie falcon have been detected multiple years in Tule Wash, within the project area. Flat-tailed horned lizard is known to be present within the project area.

Once again, we appreciate the opportunity to review the County's environmental document for the Orni-5 geophysical survey and geothermal exploration. Due to the quantity of comments, we would like to consult with Imperial County on the timeline and would be available to meet to discuss our concerns with the project.

If there are any questions regarding the comments submitted by State Parks, please contact Sara Lockett at either [sara.lockett@parks.ca.gov](mailto:sara.lockett@parks.ca.gov) or (760) 767-1084.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Quartieri".

Steve Quartieri  
District Superintendent  
Ocotillo Wells District