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Additional submitted attachment is included below.

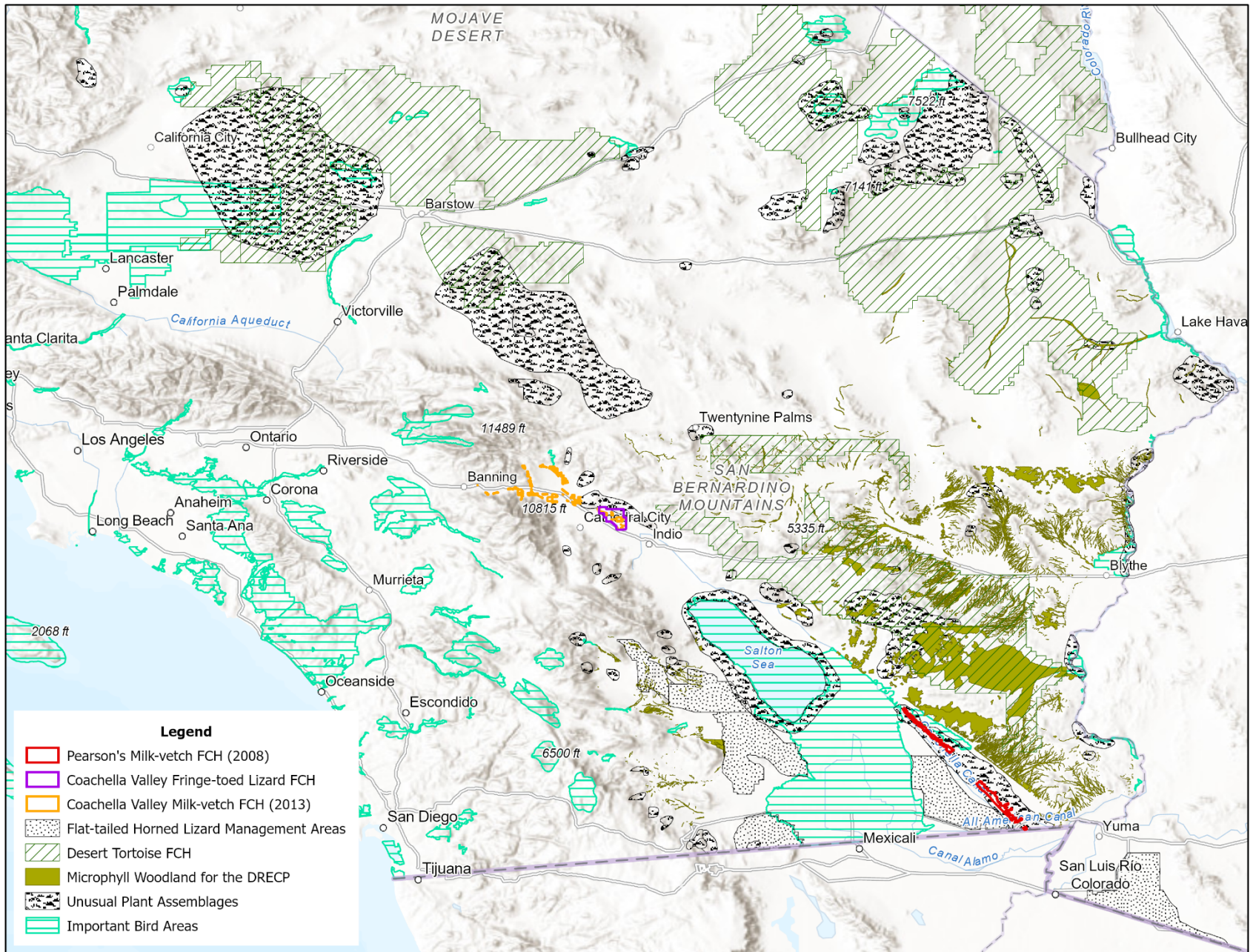
Lithium Valley Commission

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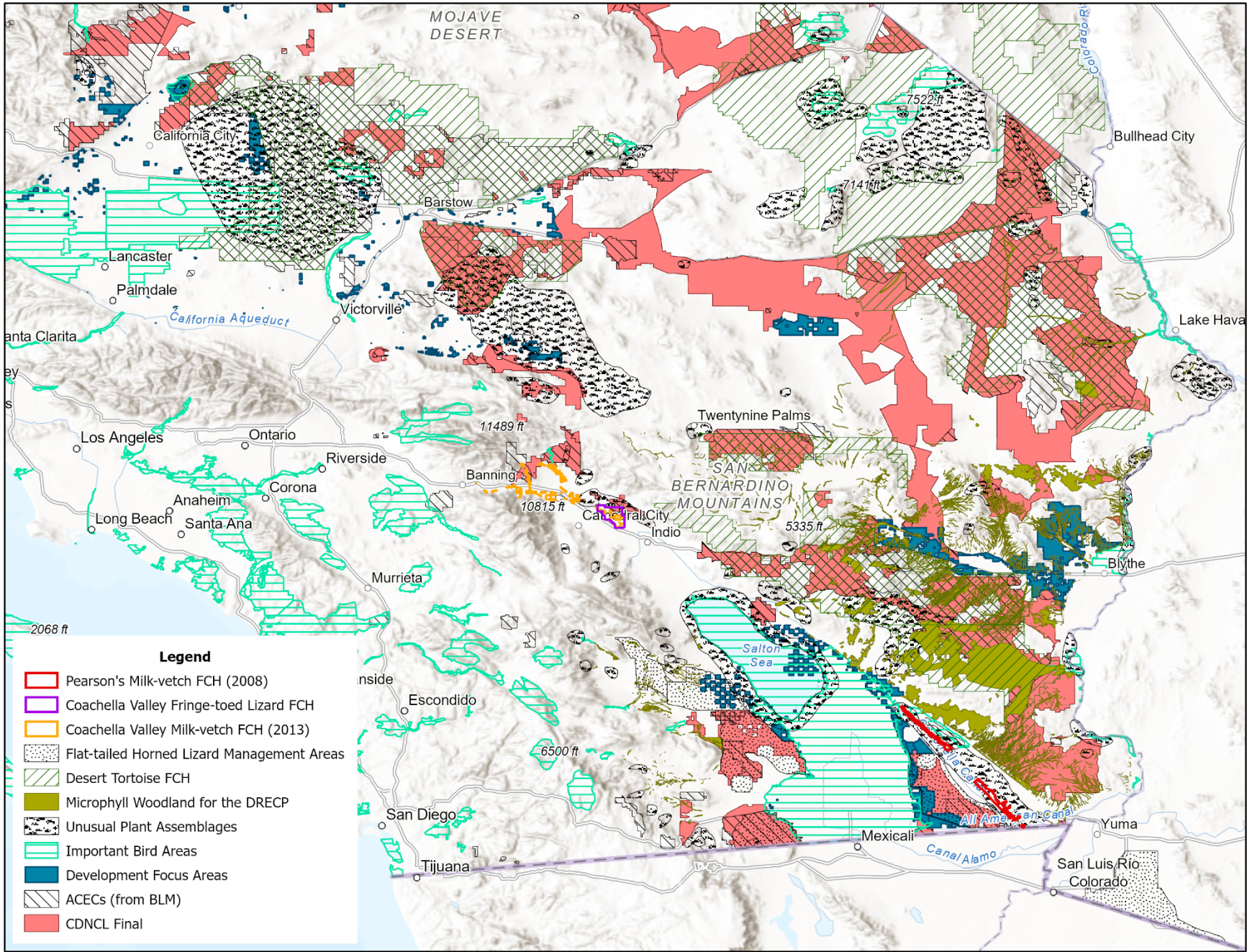
CEQA : Public Participation and Environmental Justice

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Impaired air quality affects human health and can impact survival of animals and plants.



Lisa Belenky, I am a senior attorney at the Center for Biological Diversity.

Good afternoon Commissioners and thank you for the opportunity to present today.

The Center has worked to protect the environment in the California deserts for over 2 decades including our work to protect species and habitats and air quality in Imperial County. We participated in the planning for renewable energy in the California deserts and on a project basis for solar, wind, and transmission projects as well as opposing sprawl development. The Center strongly supports efforts to shift our energy needs away from fossil fuels to renewable resources including geothermal resources and we are very hopeful that the new lithium extraction technologies from brines may avoid the need for large open pit mines and large evaporation ponds associated with other lithium extraction domestically, and issues with relying on imported lithium which may also have significant environmental and human rights impacts.

The California deserts, including Imperial County and Eastern Riverside, are rich in biodiversity, and cultural resources, (while I cannot speak for native peoples), I have been told by elders that this area includes many sacred landscapes. There are also abundant solar and geothermal resources. Unfortunately, as we have heard from other speakers, it also has highly impaired air quality that impacts human health as well as the health of the environment—much of this is caused by the drying of the Salton Sea, but that is not the only source of air quality impacts, activities that disturb intact soils, vegetation, such as grading can significantly increase air quality impacts.

And these impacts are disproportionately fall on disadvantaged communities—which is an environmental justice concern.

First, I will provide some background on the area and the species. Next, I will discuss how CEQA can be viewed with an environmental justice lens to ensure transparency and public participation by affected local communities, and other efforts that may be needed to ensure that the disadvantaged communities experience a NET BENEFIT from the expected ramp up of the new lithium industry and additional geothermal production in this area.

Slides: This title slide shows the Algodones dunes which is a treasure of this area and supports unique species of plants and invertebrates.

The photo behind me, if I cover my camera, is from the western side of the County which shows the shoreline of ancient Lake Cahuilla which is rich in cultural resources-- sections of this shoreline are preserved on the east side of the county as well.

Slide 2: I realize this is quite busy—but it shows just a few of the most imperiled species that inhabit these deserts—including the iconic Mojave desert tortoise, flat-tailed horned lizard, and rare plant species. There are many other common species (like chuckwalla and desert kit fox) and both rare and common migratory species also depend on this area for survival. Impaired air quality and other impacts from new projects, can harm both human health and the survival of these species.

Slide 3: adds an overlay of some of the areas on public lands that have been designated as “Areas of Critical Environmental Concern” and “California Desert National Conservation Lands” that should be protected, As well as “Development focus areas” which include areas specific to development of

geothermal resources. In Imperial County many solar projects have also been developed on private lands including agricultural lands.

These are some of the resources that any CEQA review will need to address.

Turning to CEQA issues—CEQA is one tool, it is not the only tool to achieve the best outcomes. CEQA requires that impacts be avoided where possible, and remaining impacts be minimized and fully mitigated. However, in a situation where the current baseline of impaired air quality is already causing impacts to human health, we believe the agencies must go further and provide a NET BENEFIT to the community. This will require commitments that go beyond the bare minimum of what is mandated under CEQA. Whether this is part of a “community benefits agreement” or could be supported by a fee, “severance tax” or some other form of funding, the benefits to the community must address the impacts to the community AND MUST INCLUDE COMMUNITY INPUT and CONTROL TO PRIORITIZE HOW FUNDS ARE USED. As Chair Paz said today, a community process is required.

Any CEQA review for new individual projects or a larger master or programmatic CEQA review must take into account the current baseline of the existing resources—for example the already impaired air quality. CEQA review must also consider the direct, indirect, and the cumulative impacts of these projects along with other growth they may induce—in this case increased traffic, transmission needs, housing needs, and others. While a growing industry and job opportunities area a positive impact, they nonetheless brings with them other impacts.

Many agencies will involved in any CEQA process as responsible agencies (CDFW, Water boards, CALGEM) – but the principle responsibility falls on the lead agency. Here, in order to ensure public participation the Lead Agency must provide documents in translation to ensure participation and transparency for the local community—this is not currently mandated by CEQA but should be a commitment going forward. The Commission has done an excellent job modeling how translation can work, however this is not how most CEQA processes are typically done. Translation should not only be of public notices but the lead agency should also provide translation of key documents and data to ensure transparency. In addition, there should be outreach to affected communities to seek input on key issues.

Public participation has often been quite low—for example (and I am not picking on this project, it was just the most recent) the Energy Source Atlis project which was approved as a lithium project processing brine from an existing geothermal plant- Hudson Ranch1. The County prepared and EIR and there were literally NO public comments—the only 3 comments from other agencies. As I understand it, the project is relatively small compared to similar projects that are expected in future. While a positive step forward in the industry, it does have impacts to air quality (the emissions from geothermal are not just “steam”), and uses water resources, and will create a waste stream of “filter cakes” filtering out unwanted minerals that may or may not be able to be reclaimed and recycled.