

**DOCKETED**

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CALIFORNIA ENERGY COMMISSION

In the matter of:            )  
  )  
Forum Presentation            )  
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Docket No. 20-LITHIUM-01

LITHIUM VALLEY COMMISSION

REMOTE VIA ZOOM

THURSDAY, MARCH 24, 2022  
1:30 P.M.

Reported by:

Elise Hicks

APPEARANCES

COMMISSIONERS

Silva Paz, Chair

Ryan E. Kelly, Vice Chair

Steve Castaneda

Rod Colwell (Absent)

Roderic Dolega

Miranda Flores

James C. Hanks

Arthur Lopez

Luis Olmedo

Frank Ruiz

Manfred Scott

Thomas Soto

Jonathan Weisgall

CEC STAFF

Elisabeth de Jong

Erica Loza

Renee Webster Hawkins

CEC PUBLIC ADVISOR

Noemi Gallardo

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APPEARANCES

PUBLIC COMMENT

Jose Flores  
Art Gertz  
Cristina Marquez  
LCJA ECV Office  
James Blair  
Michael Garabedian  
Tom Sephton  
Janet Wilson  
Nikola Lakic  
Joan Taylor

GENERAL PUBLIC COMMENT

John Hernandez

WORKSHOP PRESENTERS AND PANELISTS

Paul English, PhD, Environmental Epidemiologist,  
Public Health Institute, Oakland, California;  
Director, Tracking California; Department of  
Public Health, State of California

Jonathan London, PhD, Professor, U.C. Davis

Lisa Belenky, Center for Biological Diversity

Jose Bravo, Environmental Health Coalition, San Diego

Eric Knight, Manager of Siting Environmental Office,  
California Energy Commission

Noemi Gallardo, Public Advisor, California Energy  
Commission; Lead, Office of Public Advisor Energy  
Equity and Tribal Affairs

Jim Minnick, Imperial County Planning

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1 does not work for anyone who is joining by phone  
2 only.

3 Now I will welcome a representative from  
4 the CEC to give instructions to our Spanish  
5 speaking audience on how to use interpretation.

6 MS. GALLARDO: Thank you, Chair Paz.

7 (Speaks Spanish)

8 Chair Paz, back to you.

9 CHAIR PAZ: Thank you, Noemi. For the  
10 rest of us, if we can please remain on the  
11 English Channel for the entirety of the meeting,  
12 preferably with cameras on, this will ensure that  
13 the public has access to the meeting under the  
14 Bagley-Keene Open Meeting Act. Next slide.

15 Erica, I will pass it over to you for  
16 this next slide.

17 MS. LOZA: This meeting is being  
18 conducted remotely via Zoom, consistent with  
19 Governor Newsom's Executive Order N-1-22 to  
20 improve and enhance public access to state agency  
21 meetings during the COVID-19 pandemic.

22 This meeting is being recorded, as well  
23 as transcribed by a Court Reporter. The  
24 transcript will be posted to the docket. The  
25 recording of the meeting will be available on the



1 Lithium Valley Commission webpage. The Spanish  
2 interpretation will not be recorded or  
3 transcribed.

4           Members of the public will be muted  
5 during the presentations, but there will be  
6 opportunities for public comment at times  
7 throughout the meeting. There is a Q&A window in  
8 the Zoom application, which you can use to type  
9 questions and comments, and staff will relay  
10 those comments.

11           The chat function should be used only for  
12 IT support or other technical issues. Please do  
13 not use the chat functions to provide comment or  
14 questions on the contents of the meeting.

15           Please remember to stay muted until  
16 you've been called on to speak. Meeting  
17 materials, including the notice and presentation  
18 are posted online and in the Lithium Valley  
19 Commission Docket. We will be posting this  
20 presentation online and to the docket with guest  
21 presentations translated into Spanish.

22           Back to you, Chair Paz.

23           CHAIR PAZ: Thank you, Erica. We'll now  
24 move on to Roll Call of the Lithium Valley  
25 Commission Members.

1 CHAIR PAZ: Commissioner Steve Castaneda.

2 COMMISSIONER CASTANEDA: Here.

3 CHAIR PAZ: Commissioner Rod Colwell.

4 COMMISSIONER COLWELL: (No audible  
5 response)

6 CHAIR PAZ: Rod is not able to join us  
7 today. Commissioner Roderic Dolega.

8 COMMISSIONER DOLEGA: Here.

9 CHAIR PAZ: Commissioner Miranda Flores.

10 COMMISSIONER FLORES: Present.

11 CHAIR PAZ: Commissioner James Hanks.

12 COMMISSIONER HANKS: (No audible reply)

13 MS. DE JONG: Chair Paz, James Hanks is  
14 here. I'm going to try to promote him to  
15 panelist. You should be able to unmute yourself,  
16 Commissioner Hanks.

17 COMMISSIONER HANKS: Okay, I'm here.

18 CHAIR PAZ: Thank you.

19 MS. DE JONG: You're welcome.

20 CHAIR PAZ: Vice Chair Ryan Kelley.

21 VICE CHAIR KELLEY: Here.

22 CHAIR PAZ: Commissioner Arthur (Richie)  
23 Lopez.

24 COMMISSIONER LOPEZ: Here.

25 CHAIR PAZ: Commissioner Luis Olmedo.

1 COMMISSIONER OLMEDO: (No audible  
2 response).

3 CHAIR PAZ: Commissioner Paz; I'm here.

4 CHAIR PAZ: Commissioner Frank Ruiz.

5 COMMISSIONER RUIZ: Here.

6 CHAIR PAZ: Commissioner Manfred Scott.

7 COMMISSIONER SCOTT: Here.

8 CHAIR PAZ: Commissioner Thomas Soto.

9 COMMISSIONER SOTO: I'm here.

10 CHAIR PAZ: Commissioner Jonathan  
11 Weisgall.

12 COMMISSIONER WEISGALL: Present.

13 CHAIR PAZ: Great. We do have a quorum.  
14 Thank you.

15 On the screen you can see the agenda.  
16 The Lithium Valley Commission will discuss and  
17 consider the issues that you see in front of you.  
18 Next slide.

19 Our first item today is to review the  
20 proposed findings and recommendations that came  
21 up from the February workshop on workforce  
22 development.

23 I asked the CEC staff to document and  
24 summarize potential proposed findings and  
25 recommendations that were identified throughout

1 the workshop for our review and consideration as  
2 a body to generate a discussion and begin to  
3 develop areas of consensus now, as opposed to  
4 waiting until the entire draft report is  
5 presented to us. And so, this is one  
6 opportunity, again, for us to -- now that it's  
7 fresh in our minds -- to review the findings and  
8 recommendations.

9           The document was provided to the  
10 Commissioners last week and docketed and I can  
11 open it now for any comments that you might have.

12

13           I can maybe summarize some of the  
14 recommendations just to, you know, jog your  
15 minds. I know it's been a long time since our  
16 last workshop.

17           So, some of the recommendations that came  
18 out from the discussion include the following:  
19 to implement road construction career  
20 partnerships which provide support of services,  
21 pre-apprenticeship of training, and demand  
22 through partnerships with local employment  
23 entities; to reach a wider range of potential  
24 employees through methods such as providing  
25 childcare services, public transportation,

1 classes, and certification.

2           So, this was again around the idea of  
3 increasing access for the people who otherwise  
4 might face challenges from benefitting from the  
5 local jobs.

6           Another recommendation was to organize  
7 and develop community-based agreements and  
8 project labor agreements in collaboration with  
9 industry, labor, community, environmental and  
10 employer groups for the region, including the  
11 fence line and front-line communities; to create  
12 educational pathways, internships,  
13 apprenticeships for local residents, and related  
14 benefits for the local community.

15           Processes for local input should include  
16 support formation of a Community Advisory  
17 Council. Using the Rise and Ready and High Road  
18 frameworks to provide input and guidance on  
19 community-based agreements, provide opportunities  
20 to connect with broader constituents in the  
21 region to provide input on provisions for wage  
22 floors, local procurements, local contracting,  
23 labor training and education, childcare,  
24 transportation, Green Building Standards, and  
25 related benefits for the local community.

1           Support industry employer training  
2 partnerships that use High Road core principles  
3 for training and education such as supporting and  
4 enhancing apprenticeships and other labor  
5 management partnerships. And funding  
6 comprehensive training opportunities that prepare  
7 workers for good careers.

8           Create a requirement for all government  
9 assistance that new investment in Lithium-related  
10 activities require high job quality standards and  
11 job access agreements for blue collar  
12 construction and operation and maintenance jobs.

13           Support creation of curriculum courses  
14 and certification programs. Utilizing and  
15 enhancing local school and college programs for  
16 areas such as Science, Technology, Engineering  
17 and Mathematics (STEM) to assist in creating  
18 career pathways for youth and adults through  
19 partnership with industry.

20           Encourage collaboration among industry,  
21 academia, and local governments to ensure that  
22 skill gaps are identified to be able to build  
23 appropriate training programs to support further  
24 careers.

25           Support a full-service local four-year

1 degree campus to help advance workforce  
2 development and prepare for High Road  
3 construction jobs. Make training available  
4 locally for other High Road construction jobs  
5 that will come to the area, as ancillary  
6 opportunities with the growth of the Lithium  
7 extraction industry in the region.

8           Use both High Road and Rise and Ready  
9 frameworks would direct equity in the region,  
10 development a collaborative and integrated  
11 workforce training approach that makes funds  
12 available to pay community participants for their  
13 training and access to quality laboratories and  
14 equipment from industry for the training.

15           Collaborate with Imperial County  
16 Municipalities, local builders, and State  
17 Governments to develop sustainable and affordable  
18 housing initiatives, create meaningful  
19 participation of community and labor constituents  
20 where participation is much more than just  
21 informing our consulting, but one that builds  
22 trust within the communities.

23           Link workforce development and economic  
24 development to create investment and innovation,  
25 infrastructure, and collective resources.

1           Consider the creation of a Sovereign  
2 Wealth Fund that provides local benefits  
3 recognizing the long-term economic opportunity of  
4 Lithium extraction from geothermal brine in  
5 Imperial Valley.

6           Convene a supporting community focus  
7 group body to remain involved and offer public  
8 platforms for community engagement beyond the AB  
9 1657 October 2022 Legislative Report due date.

10           So, these are quite a number of  
11 recommendations. It would be helpful to hear  
12 from my colleagues if there is anything from the  
13 conversation that happened at the workshop, or  
14 other information we've been hearing that is not  
15 coming up as a recommendation. Maybe you want to  
16 suggest that we capture it as a recommendation.

17           COMMISSIONER LOPEZ: Chair Paz?

18           CHAIR PAZ: Yes.

19           COMMISSIONER LOPEZ: My recommendation is  
20 to look at not just State but actually Federal at  
21 the same time in that area with some of the  
22 recommendations regarding housing, regarding  
23 labor, you know. The tribal folks have a labor -  
24 - they have their own labor system that they  
25 have in place, too, that would be able to help



1 assist in some of these areas, too.

2 CHAIR PAZ: Thank you, Arthur. So, what  
3 I'm hearing and if we can capture this is that we  
4 are leveraging not only State investments in some  
5 of the areas around housing and workforce  
6 development with coordination of the Tribal  
7 Governments, as well as the Federal Government?

8 COMMISSIONER LOPEZ: Correct.

9 CHAIR PAZ: Thank you. Anyone else?  
10 Luis.

11 COMMISSIONER OLMEDO: Hello Madam Chair  
12 -- I'm just walking in now. The document that  
13 was shared as the preliminary, is that what's  
14 being discussed at this moment?

15 CHAIR PAZ: Correct.

16 COMMISSIONER OLMEDO: My first thought is  
17 certainly I'm not sure if it would be an ask to  
18 make a decision on it, or we're being asked to be  
19 included in the Docket as additional information,  
20 or we're saying making a decision on this.  
21 Again, my first reaction is to always go out in  
22 the community and try to get input.

23 CHAIR PAZ: Correct. So, the question  
24 right now, again, this is not the final document,  
25 it's meant more for conversation between us; did

1 we capture -- is everything that we heard at the  
2 workshop and what we've been hearing -- I know  
3 some of you have been at these community meetings  
4 -- I know Ryan Kelley was in a meeting yesterday  
5 -- so is this consistent with what you've been  
6 hearing? Is it consistent with what we heard  
7 during the workshop? Is there anything that is  
8 not here that you want to flag? And again, this  
9 is our first take, hoping to find consensus, but  
10 it's not going to be the final. Once the report  
11 is fully drafted, it's going to come back for  
12 continuous input.

13           So, I'll let you sit on that,  
14 Commissioner Olmedo, and I'll call on Vice Chair  
15 Ryan Kelley.

16           VICE CHAIR KELLEY: Thank you, Chair Paz.  
17 From the draft document, I believe that all the  
18 concepts are there and inclusion of how community  
19 benefits would be used for workforce development.

20           One comment that I would like to add for  
21 discussion is how the workforce and  
22 sustainability, to get to that point of being  
23 able to allow industry to establish itself and  
24 what measures can be done to be able to allow  
25 them to be successful and to a point where the

1 partnership can foster in both directions?

2 CHAIR PAZ: So, what does that look like?

3 And maybe, Ryan, if you have more thoughts on  
4 that, or Jonathan, or anyone else?

5 VICE CHAIR KELLEY: Well, before  
6 Jonathan, I would just opt for the -- you know,  
7 we're looking to try to -- if there were to be a  
8 levy, it would be an incremental approach to  
9 allow them to have time.

10 And also, that there are so many needs  
11 and so many wants in our community that we can't  
12 address all the grievances that have occurred in  
13 the past with new development, but we can assure  
14 that it's done right, and we try to be inclusive.

15 So, I'm hoping that everyone's  
16 expectations are balanced and understanding that  
17 we need to be able to let the plant grow so that  
18 we can all prosper.

19 CHAIR PAZ: Thank you for that, Ryan.  
20 Jonathan?

21 COMMISSIONER WEISGALL: All very good  
22 points. I agree with you, Ryan. Maybe you and I  
23 could just work up some language in the next  
24 couple days just to capture those thoughts.

25 We're moving forward already on workforce

1 development, it's not too soon, especially when  
2 you're talking about high school students. We  
3 are working on an internship program already,  
4 great cooperation with Imperial Valley College,  
5 as I think the other Commissioners know, with  
6 STEM curriculum and the like, working with the  
7 Employment Training Panel Program, I guess it is,  
8 ETP out of Sacramento.

9           But, yeah, I'd like to get those thoughts  
10 down, but obviously we're not waiting to get  
11 started on those measures. They're all useful.  
12 And look, let's face it, attracting a good local  
13 workforce, that's our goal. That's going to be -  
14 - I think it's achievable given what we foresee  
15 as the wages and the career development.

16           And when I look at our existing  
17 geothermal plants, when I see some our employees  
18 who have been with us for 35 plus years, we like  
19 to think of this as a potential for long career  
20 opportunities, but we've got to get started on  
21 that right now.

22           CHAIR PAZ: Yes. Commissioner Olmedo.

23           COMMISSIONER OLMEDO: Something that got  
24 my attention right away is the specificity of the  
25 types of jobs and, again, drawing from examples

1 of wind, solar and massive amounts of  
2 certifications, much of it funded by workforce  
3 development dollars, I mean still deeply saddened  
4 about how many people with solar certifications  
5 and no jobs. Even as an employer, I remember  
6 last time somebody came in here and said, "You  
7 know, I have a certificate to work on this very  
8 specific project."

9 I think it is necessary and it's  
10 important. I think it is important to educate a  
11 workforce that is adaptable to many jobs, so  
12 worse case scenario, right, because I always have  
13 to have a contingency plan, that we're not  
14 preparing a workforce that's going to be without  
15 a job. We've already done that once; we've  
16 already seen an influx of dollars for workforce  
17 development how can we put together a workforce  
18 that is adaptable?

19 You know, as an Employer, both in private  
20 sector, as well as the nonprofit sector, I train  
21 my employees, right? I invest the dollars. They  
22 come in with a skill set, they've come with the  
23 ability to adapt to different jobs, different  
24 levels of skill sets, and we provide the training  
25 for them to be able to customize the job that we

1 need them to do, right. So as far as education,  
2 I certainly would like to avoid that enormous  
3 amount of resources going to building a very  
4 custom job that we don't know yet, right, we  
5 don't know yet if it's going to -- we all hope  
6 that it all happens in the best way possible, but  
7 I would certainly bring that to the table as  
8 something that we need to create those types of  
9 safeguards.

10 I also, I mean, I never -- in spite of  
11 the way that I present things, I've never been  
12 against the geothermal, I've never been against  
13 Lithium. I wouldn't be here if I didn't believe  
14 that we can transition to cleaner fuels, in the  
15 best-case scenario it's clean fuels. But the  
16 geothermal exists here already and I just want to  
17 make sure that when we talk about the Lithium  
18 that we already have an established industry here  
19 and it would probably be important to draw  
20 examples of how that has worked because I'm not  
21 sure if this new element constitutes it as a  
22 whole new business, a whole new source, and if  
23 that's the case, well, I would depend on other  
24 experts to kind of bring that to the Commission  
25 so that we can understand. Is it a new business

1 built -- I mean, I don't want to repeat it, but I  
2 think it's just important to understand so that  
3 when we make recommendations then we know exactly  
4 how it is characterized, or are we -- is  
5 geothermal not part of the conversation, or is  
6 geothermal part of the conversation? Is  
7 geothermal not part of the Lithium, or is  
8 geothermal part of the Lithium? Because I think  
9 we have, what, 40 plus years of geothermal in the  
10 Valley of Imperial.

11           CHAIR PAZ: Thank you for your comments.  
12 I don't see any other hands. I do want to go  
13 back to what I heard Ryan Kelley say about the  
14 multitude of needs that exist in our community  
15 and that we cannot expect that all of that is  
16 going to be sort of resolved on the extraction of  
17 Lithium itself. And I think that it's important  
18 for our recommendations, our findings to the  
19 Legislature, that we highlight that and that if  
20 the Legislature -- and even, I mean, the  
21 administration has shown they're very interested  
22 in this transition, in getting this right, but  
23 there are going to be different types of  
24 investments outside of only the Lithium  
25 extraction piece.

1           So, we're here convened because of the  
2 Lithium extraction, but that's one piece of the  
3 puzzle in this transition and in order for our  
4 communities to be able to benefit more  
5 holistically, trained in different job areas like  
6 Commissioner Olmedo has mentioned, but also  
7 ensuring again that our infrastructure is there,  
8 that we can really be set to leverage far more  
9 than only the extraction of Lithium. And that's  
10 going to require separate types of investments, I  
11 believe.

12           Are there any other comments? Are there  
13 any remaining questions from the Workforce  
14 Workshop that any of you feel were still not  
15 answered, we need more clarity on? Yes,  
16 Commissioner Olmedo.

17           COMMISSIONER OLMEDO: I'd just like to  
18 extend, you know, sort of the Environmental  
19 Justice equity lens to the extent possible to  
20 help contribute to what Commissioner Weisgall and  
21 Ryan Kelley may be doing, Commissioner Kelley.  
22 If that helps, happy to support language or  
23 anything that you find useful from that  
24 perspective.

25           CHAIR PAZ: Perfect. One of the areas



1 that for me, after the workforce development  
2 continues to be a little nebulous is identifying  
3 the exact number of jobs. So, I don't think we  
4 need another whole workforce workshop to get to  
5 that, but hopefully between now and the time that  
6 the draft report is, that the CEC staff can help  
7 identify more clearly the number of jobs that are  
8 associated directly with the extraction of  
9 Lithium.

10 I know during the workshop there were  
11 different things from the construction jobs that  
12 are going to happen, but then there were other  
13 types, so if we can more clearly identify those,  
14 I think it would be beneficial as we are having  
15 the conversation about how to prepare the  
16 workforce. Jonathan?

17 COMMISSIONER WEISGALL: You can put  
18 Berkshire Hathaway Energy down, BHE Renewables,  
19 for 200 operating jobs, so that's not  
20 construction; as we all know, that can be a big  
21 number, but it doesn't last, and it's also not  
22 indirect. And of course, that can also be a  
23 terrific number, but keep 200 in mind for full  
24 scale commercial. And I don't know -- I don't  
25 want to speak for EnergySource, but I'm recalling

1 70 as the number of full-time operations there.

2 So that should be helpful.

3 CHAIR PAZ: Thank you, thank you for  
4 that. Commissioner Ruiz.

5 COMMISSIONER RUIZ: Yeah. I think, just  
6 to follow up the comments, I think it is  
7 important to know the number of jobs. I think it  
8 is also important to know the kind of jobs, how  
9 many chemists, how many engineers, how many  
10 janitorial positions. I think it is important to  
11 know and having that information so that the  
12 institutions and all the entities that are  
13 planning for it can plan accordingly.

14 CHAIR PAZ: Thank you. Ryan.

15 VICE CHAIR KELLEY: Just quickly, as you  
16 mentioned Silvia, there was a presentation by all  
17 three companies in Niland last night and Jonathan  
18 is correct, EnergySource is saying 70 employees  
19 based off of their extractions plant and they  
20 have 35 for their geothermal plant. Jonathan is,  
21 I believe -- if it's 200 on a full scale, or if  
22 that's the proposed phasing. But I think that's  
23 a close and realistic if it were based off of  
24 megawatts that maybe 100 or 50 megawatts of  
25 energy and extraction, Jonathan? Any comment?

1           COMMISSIONER WEISGALL:  Yeah, no, that's  
2 about right.  I mean, our existing geothermal,  
3 which is 345 megawatts, we have 200 employees.  
4 So, if we do Lithium recovery from those existing  
5 plants, we anticipate another 200 on the Lithium  
6 side.  That's chemists, engineers, plant  
7 operators, and the like.  And, Frank, we do have  
8 a pretty good breakdown there of the numbers,  
9 which we'll provide.

10           We're also -- and I don't want to  
11 complicate things -- but separately we're  
12 planning to expand our geothermal facilities, at  
13 least doubling them.  So that would be another  
14 200 on the geothermal side and, of course, we  
15 will plan for Lithium on the new facilities,  
16 we're not going to retrofit anything, so that's  
17 yet another 200 on the Lithium side.

18           So full scale, we will go from 200 --  
19 again, plus or minus today, it's been as many as  
20 225, never below 200, call it 200 today -- that  
21 could expand up to 800, which would be 400  
22 additional on the Lithium side, 200 on the  
23 geothermal side.

24           And I should say, by the way, a lot of  
25 the jobs are somewhat similar.  Lithium is

1 certainly more on the chemistry side, but  
2 otherwise plant operators, engineers, because  
3 it's all in the same location. So those are the  
4 numbers you can work with.

5 CHAIR PAZ: Thank you. I see Roderic  
6 Dolega and then Ryan Kelley.

7 COMMISSIONER DOLEGA: Just a quick  
8 question for Jonathan. I think it would be  
9 helpful maybe for the Commissioners, as well, is  
10 the timing and the phase-in of these jobs, kind  
11 of what are you assuming and kind of the roll-out  
12 of these facilities, and if you can give any  
13 indication of when these jobs would be created as  
14 you kind of roll out the geo and Lithium plants.

15 COMMISSIONER WEISGALL: I'll jump in  
16 really quick if that's okay, Silvia. Let me just  
17 ballpark it. Construction starting 2024, phasing  
18 in 2026, so we're not going to have 200 employees  
19 on Day 1 in 2026, we're going to ramp up because  
20 our tentative plans would be three separate  
21 Lithium facilities within our 10 geothermal plant  
22 area because we've got 18,000 total acres.

23 So, phasing in starting in 2026, hope to  
24 be fully commercial by 2028, Rod, and that would  
25 get that full 200 number. On the geothermal

1 expansion side, we are hoping to have double our  
2 existing facilities. Our goal is to get it in by  
3 2026. The California Public Utility Commission  
4 actually has an order directing load serving  
5 entities to procure 1,000 megawatts of  
6 essentially geothermal and we think that we can  
7 meet at least 375 of that.

8           So, we would aim to be on line in 2026.  
9 The Order does provide a two-year additional  
10 period if good faith is shown, so worst case  
11 would be 2028 for the new geothermal and  
12 presumably the Lithium would be ready to go with  
13 the new geothermal, so I hope that helps.

14           CHAIR PAZ: Thank you. Ryan.

15           VICE CHAIR KELLEY: Yeah, just quick.  
16 So, Robert, your question was shared with us and  
17 Jonathan, you can correct me if I'm wrong, but  
18 they're already hiring some positions, so  
19 EnergySource is actually hiring now and so is Cal  
20 Energy for their test facility.

21           So, the employment factor is already  
22 beginning. And one other important thing that  
23 was shared by Jon last night, Jonathan, was there  
24 are all these direct contractors, so the  
25 employment factor is much greater than 200 for

1 Cal Energy. There are contractors that are  
2 performing work and they are dedicated towards  
3 those sites.

4 COMMISSIONER WEISGALL: Absolutely. I  
5 didn't -- and thank you for pointing it out.  
6 Silvia, I wanted to be accurate in terms of our  
7 direct hires, but Ryan is right; I mean, on any  
8 given day we'll have 50, up to 300 contractors  
9 working on maintenance and issues like that. And  
10 Ryan is also correct, my colleagues and I, we  
11 have hired a couple people now already to get  
12 started on our demonstration plant. That's the  
13 one-tenth commercial scale Lithium Recovery Plant  
14 that we hope to commission as early as next  
15 month. So, yes, the hiring is beginning.

16 CHAIR PAZ: Great. Thank you for all  
17 that information and I think really as to at  
18 least the findings portion of the report that we  
19 can think of it sort of in different circles,  
20 right, what is directly extraction, but then what  
21 are those ancillary whether it's contracts or  
22 other jobs that would result from this. I  
23 appreciate that.

24 In terms of potential recommendations to  
25 the Legislature, I think considering a local

1 first approach so that, to the extent that both  
2 contractors can be local or a close proximity to  
3 the resource, I think that's one of the ways in  
4 which we ensure that the dollars are staying in  
5 our economy. Commissioner Olmedo.

6 COMMISSIONER OLMEDO: Yes, this is for  
7 Commissioner Weisgall or anyone else from the  
8 industry that could help with this; but as we're  
9 envisioning sort of the new industry, you know,  
10 we know what it looks like right now and what  
11 it's done in terms of the geothermal. But  
12 envisioning sort of a future maybe even larger,  
13 again, I think eventually we'll get a better  
14 understanding of what it means to bring in this  
15 whole Lithium industry in terms of numbers and  
16 calculations, but the industry does hire  
17 contractors to bring workforce to help do the  
18 take down, breakdown, and sometimes I see them  
19 referred to as the "dirty jobs," right?

20 Is there any way that through this  
21 process now that we're going through to perhaps,  
22 either the industry or even Commissioners to  
23 identify -- and I will say the industry more  
24 appropriately -- identify where those  
25 opportunities are to sort of bring that type of a

1 workforce into a more protected workforce, a more  
2 standard of a workforce versus just sort of being  
3 the seasonal type of jobs that just come in, do  
4 the job, and then moves on. How can the industry  
5 create better jobs out of those jobs?

6 And I wonder if the industry already has  
7 those jobs quantified and how many out of the  
8 total number of jobs are those types of jobs.

9 CHAIR PAZ: I'll let Jonathan answer and  
10 then I'll go to Tom.

11 COMMISSIONER WEISGALL: The quick answer  
12 is every job we're looking at and those numbers  
13 that I gave you, Luis, are full time. That's  
14 absolutely the goal. I mean, that's -- nothing  
15 here is coming in and leaving. Contractors will  
16 come and go, that's the nature of a contractor.  
17 You know, you've got whatever it is, got to clean  
18 a turbine or something like that, but full time  
19 those numbers you can count on those as full-time  
20 jobs, yes.

21 COMMISSIONER OLMEDO: Thank you for  
22 clarifying -- sorry, Madam Chair, may I just --

23 CHAIR PAZ: Yeah, go ahead.

24 COMMISSIONER OLMEDO: Yeah, thank you for  
25 clarifying. That's always been a doubt that I've



1 had is that are they the same jobs? And knowing  
2 that, I mean, it's good to know that. I  
3 appreciate that information and the distinction.  
4 Could the industry and to the extent the  
5 governmental agencies create better standards and  
6 working conditions for those contractors that may  
7 be where there are opportunities for the  
8 industry, so how you do sort of Union jobs, or  
9 PLA-driven jobs, but a standard for those  
10 contractors that would come in and to meet a  
11 certain metric and making sure that industry  
12 isn't creating sort of this lower standard of a  
13 job, but that it's hiring companies that are  
14 demonstrating a higher standard, a higher quality  
15 of jobs -- well, job training, recruitment,  
16 safety, and so on. Jonathan, would you have  
17 anything to say to that? I mean, was that  
18 something that the industry can look into?

19           COMMISSIONER WEISGALL: Hard to give you  
20 an off-the-cuff answer because we kind of, I  
21 mean, we've worked with the same contractors for  
22 upwards of 35, 40 years. But let me -- I think  
23 it's worth putting that on the table and we'll  
24 take a look at that, Luis. It's much easier for  
25 us to control -- and by "control" I mean provide

1 all of those things you've talked about for our  
2 workforce. Safety is a wonderful example. I  
3 mean, throughout our company, I mean, that is  
4 number one. Our workforce -- we've got 26,000  
5 people in our entire company and goal number one  
6 is they come home after work in the same  
7 condition that they went to work that day. That  
8 sounds kind of arcane, but that's serious, safety  
9 is absolutely critical as are these other  
10 factors. So that's what we focus on with our  
11 employees. It's a little bit different with  
12 contractors, but let's follow-up on that issue.

13 CHAIR PAZ: Thank you. Tom.

14 COMMISSIONER SOTO: Thanks, Silvia. Hey,  
15 Jonathan, when I was a kid, I used to work at a  
16 shipyard, Todd Shipyards, and I was very pleased  
17 to come home the same way I went in the mornings,  
18 so sometimes that's an accomplishment.

19 You know, I really enjoyed this  
20 discussion and, to Rod and Jonathan and the other  
21 private interests in the Valley that are  
22 promoting the idea and the reality of creating  
23 some good economics and jobs, and what Ryan is  
24 describing, you know, is pending. I mean, that is  
25 really fantastic stuff. And I don't want to

1 dismiss it as so casual because I think it has a  
2 meaningful effect on the quality of life.

3           I think that this is a time where we may  
4 want to have a little bit more courage and  
5 boldness to think bigger as, you know, my dad  
6 used to say, "Mijo, if you're gonna steal the  
7 hubcaps, take the car." Right? And here we are,  
8 the wind is in our sails, we've got the former  
9 U.S. Senator from the State of California as Vice  
10 President, we have a President that California  
11 helped deliver to the White House, we have  
12 incredible State Legislative leadership in the  
13 area, Congressional leadership, Alex Padilla  
14 going to Washington now, and we have the climate  
15 change portion of BBB is \$520 Billion. If we  
16 discount that by 50 percent, that's still a hell  
17 of a lot of resource to grab onto with the type  
18 of leadership that we have.

19           And maybe we should be thinking more  
20 grandly. You shoot for the moon, we come back  
21 with a piece of cheese. And that is not just job  
22 creation at CalEnergy or CTR, but we are the  
23 state responsible for starting the EV revolution.  
24 We created the regulatory framework, we used  
25 taxpayer money and ratepayer money to subsidize

1 the creation of the Electric Vehicle sector. To  
2 this day, Tesla is not profitable without the  
3 emission credits that it gets from the State of  
4 California. And we have the fourth largest  
5 reserve of Lithium which is fueling the economics  
6 of all of that to occur.

7           Let's begin to think large. Let's think  
8 unusually large. Let's think boldly large to the  
9 point where maybe if we don't make it to that  
10 point, if we got 50 percent of the way there,  
11 we're a hell of a lot better than we were ten  
12 years before.

13           And let's start thinking about Lithium as  
14 the headwaters for production chain of the Salton  
15 Sea and Imperial Valley becoming the global focal  
16 point for battery storage production, job  
17 creation, innovation, and vocation. That's how  
18 we should be thinking and that's where this  
19 Commission needs to go.

20           And in my conversations with the Speaker,  
21 the Legislature, the Governor on what we're  
22 doing, and even DOE, that's how I'm promoting. I  
23 mean, this is nothing less than the Manhattan  
24 Project that converted the sleepy little shallow  
25 towns of Palo Alto and Berkeley into Silicon

1 Valley.

2           That's the opportunity that we have to  
3 look at this with and not through the prism of  
4 the old future, the old future being, you know,  
5 fossil fuel economics, carbon-driven economics,  
6 exclusion, status quo.

7           We're the Lithium Valley Commission!  
8 We're supposed to be looking at the new future,  
9 which is carbon-free economics, electrical  
10 vehicle technology, solar, renewables, responding  
11 to climate change, and diversity, equity, and  
12 inclusion, which means the communities that look  
13 like me and the people on this phone are going to  
14 be given just as much rights to that opportunity  
15 as historically the other non-diverse communities  
16 have had for 100 years. And that includes the  
17 fossil industry who get still \$700 billion a year  
18 in subsidies.

19           I think what we're standing atop of is  
20 not just the fourth largest reserve of Lithium in  
21 the world, it is probably the single biggest  
22 economic opportunity we have in California to  
23 keep us competitive as the fifth largest economy  
24 on the planet.

25           I just want to close that longwinded

1 statement -- it's a genetic predisposition  
2 because I'm the child of two elected officials --  
3 so, here it is: let's think big, let's think  
4 bold, let's be courageous, let's ask for things  
5 we know they're going to say no to, but we're  
6 going to get something greater than had we not  
7 asked for them before.

8           And that's what this Commission should be  
9 recommending. We start with changing the  
10 economic base of Imperial Valley and turning it  
11 into the global beacon for Lithium production,  
12 battery storage, and the future of the economy of  
13 California.

14           CHAIR PAZ: That is great, Tom. And I'm  
15 not going to let you end it; I mean, I know we're  
16 a little bit behind time.

17           But that is the way that everyone talks  
18 about Lithium, the possibilities, and then I look  
19 around and I'm like okay, great, but all the  
20 investment is going into just facilitating the  
21 extraction and that alone doesn't deliver us what  
22 you've painted for us.

23           So, we have an opportunity here to make  
24 very direct recommendations to the Legislature  
25 that's going to help us move in this bold --

1 visionary -- what we want for our community.

2           So maybe, what are like your top two,  
3 three asks that we can put as recommendations:  
4 "This is what we need, this is what we need, and  
5 this is what we need to deliver on this vision."

6           COMMISSIONER SOTO: Ask number one:  
7 extend the Commission. For those people that  
8 want to exit once this discussion is going, then  
9 Commission number two. Let's become the  
10 headwaters for battery production, storage  
11 production, and create a value chain that we  
12 could build and create more employment  
13 opportunity. That will be Commission number two.

14           My next legislative ask is to have direct  
15 debt go into Imperial Valley to help to subsidize  
16 what Jonathan is doing. Granted, his boss sits  
17 on \$60 billion, but that doesn't mean Jonathan  
18 has \$60 billion, that's all shareholder, that's  
19 all fiduciaries.

20           What he needs is support and so does Rod  
21 because Rod is in even a worse spot, he's a  
22 start-up. And that is we need access to debt --  
23 cheap debt. And inflationary debt right now is a  
24 little expensive, but the State of California has  
25 tremendous capacity through the Pollution Control

1 Finance Authority, the State Treasurer's Office,  
2 the Climate Catalyst Fund, to offer percentages.

3           Let's get specific legislative carve-outs  
4 that need to be applied to support the mandate  
5 that comes out of the Commission so that we could  
6 have private investors and come in who will feel  
7 as though that they are de-risked from their  
8 private equity to put money, venture -- early  
9 seed capital into developing these initiatives.  
10 So that would be ask number two.

11           Number three is that we continue to  
12 support LCFS, emission credits, cap-and-trade,  
13 all of the market-based incentives that are  
14 helping to support the larger types of  
15 investments that are coming into California that  
16 are supporting innovation.

17           And don't think that what we're doing as  
18 a politically appointed Commission -- and not  
19 innovation, we're ahead of innovation, we're the  
20 ones that are going to be putting out the  
21 recommendations that people like me who invest in  
22 this area say, "Oh, by the way, the Commission  
23 said this, and the Governor has signed on it, and  
24 there's legislation that supports it. That is  
25 the de-risking of the equity that's going to go



1 in.

2           So those would be the top three. You  
3 know, we have a \$45 billion surplus, we have a  
4 huge amount of Prop. 13 driven debt that has yet  
5 to be consumed with a number of these industrial  
6 development bond facilities through the State  
7 Treasurer's Office, and now through the Office of  
8 GoBiz, let's use them.

9           CHAIR PAZ: Thank you for those -- and I  
10 see nothing wrong with those, I just want to  
11 point out that we are talking about public  
12 dollars.

13           And I see that Luis's hand is up. So,  
14 Luis, I have a question for you and so I'll call  
15 you after I call on Ryan, but how do we add to  
16 those market -- very direct market incentives,  
17 the requests that are going to get us to be as  
18 intentional on the diversity, inclusion, and  
19 equity piece? So, I'll let you think on that for  
20 a little bit, and I'll call on Ryan for now.

21           VICE CHAIR KELLEY: I want to buy a  
22 ticket to Tom's next motivational speech because  
23 I enjoyed it and I am completely bought in. Let  
24 me know where to get the book on tape because, as  
25 we will be talking about our plan and, Tom, we

1 are reaching for the moon on a lot of things, and  
2 some of the things you brought up, we'd be happy  
3 to help you champion those in any office,  
4 anywhere. Thank you very much.

5 COMMISSIONER SOTO: Thank you.

6 CHAIR PAZ: Thank you, Ryan. Luis  
7 Olmedo, and this will be the last comment because  
8 we need to move on in the agenda. And I'm sure  
9 the speakers can probably add to some of the  
10 things they've heard us talk about. Luis.

11 COMMISSIONER OLMEDO: I mean, I think  
12 Commissioner Kelley kind of said it in far fewer  
13 words than I would have. But, I mean, inclusion  
14 and equity, I think it works the other way  
15 around, right? We need to make sure that we know  
16 what the impacted communities are.

17 We know what the communities that have  
18 been excluded are. We know what happens around  
19 the Salton Sea. And we know the challenges that  
20 we face, and we see the opportunity that's there.

21 I certainly would hope that whatever  
22 happens in Imperial is an opportunity for the  
23 region, including communities like the Eastern  
24 Coachella Valley and how that expands outward I  
25 think it needs to begin where these facilities

1 are going to be placed, you know, maximize it.

2 I mean, I hear all types of proposals out  
3 there that aren't being discussed with us in the  
4 Commission. But it's like you don't build it  
5 somewhere else and just have the production of  
6 whatever happens there, but export anything that  
7 has benefit attached to it.

8 So certainly, that's not a position that  
9 I would hope that this air basin faces, given the  
10 -- and I love this, you know, when Governor  
11 Newsom and Secretary Crowfoot have been saying  
12 for so long, we have to write the wrongs of the  
13 past, I just love that every time they say that.

14 And I think we have such a huge  
15 opportunity to do that. So, while I support "ask  
16 big," absolutely, we need to ask big. And we  
17 need to do it in a way that it's a reality. We  
18 need to make sure that we mitigate, we want to  
19 make sure that there are no further impacts on  
20 our communities. We want to make sure that we  
21 help the industry create to the best possible  
22 extent clean energy. Cleaner is good, cleaner is  
23 better, and if that can be supported with, you  
24 know, both investment from the industry, from  
25 incentives and new technological investments, I'm

1 all for that.

2           We want to make sure that the industry is  
3 the Cadillac, not the old model. We want to make  
4 sure it's the battery-operated system, not the 8-  
5 cylinder old lead fuel-powered vehicle, right?

6           So that's certainly what I would hope  
7 that happens and I would welcome and invite as  
8 much as possible the conversation to begin in  
9 Imperial, and I want to see that dream, just as  
10 Commissioner Soto mentioned. What does that look  
11 like when you begin in Imperial, Eastern  
12 Coachella, and then you grow it outward? What  
13 does that vision look like because I certainly am  
14 not someone that can paint it so beautifully, but  
15 I want that dream to happen to us here, and then  
16 to California and to the rest of the nation.

17           CHAIR PAZ: Great. Thank you for that,  
18 Commissioner Olmedo. I'll close it with a couple  
19 of items that I think would add to the diversity,  
20 inclusion, and equity piece.

21           In our recommendations so far, we talk  
22 about Community Benefit Agreements. There needs  
23 to be a resourced process for this to happen.  
24 There needs to be a resourced process for the  
25 community to be engaged, for the community to be

1 able to dream and paint the vision, right, of  
2 what are the benefits that they're looking for in  
3 their communities, to paint that picture for us.

4           The other thing is, there has been  
5 mention of fees, taxes, royalties. Once all that  
6 is settled, I think there needs to be a  
7 participatory budgeting process so that, again,  
8 the community gets to say at any given time, re-  
9 prioritize where should investments go, where  
10 should these resources in the form of tax dollars  
11 -- where are they most needed in our community?

12           So, I will add those two pieces to end on  
13 building the whole picture that includes the  
14 diversity, the inclusion, and the equity that has  
15 been championed in this process.

16           Thank you so much for the conversation.  
17 And we will go to Public Comment on this item.

18           MS. LOZA: If you are joining us by Zoom  
19 on the computer, please use the raise-hand  
20 feature. If you've called in, please dial \*9 to  
21 raise your hand and \*6 to unmute your phone line.

22           If you are unable to make a public  
23 comment orally, you can type your comment into  
24 the Q&A window, and we will read it out loud.  
25 Oral comments will be limited to two minutes per

1 speaker. If you have typed in your comment, that  
2 limit will be applied during the reading of your  
3 comment by CEC staff.

4 So first we will go through the hands  
5 raised in the Zoom application.

6 I see Jose Flores. You can unmute  
7 yourself.

8 MR. FLORES: Yes. Good afternoon. And  
9 the topics are very educational, and I loved  
10 Commissioner Soto's Ted Talk. He talks very  
11 visionary and as far as the concept of knowledge  
12 in our area with Lithium, the way I see it is  
13 just knowledge about Lithium and what's going on  
14 is not as important as the application of that  
15 knowledge by the community, as has been mentioned  
16 before. The application and knowledge I see is  
17 the cradle to grave industry within our region,  
18 the Salton Sea border regions.

19 And just to close, as far as talent, we  
20 have a lot of talent in our community, a lot of  
21 people ready to fill the needs of this industry,  
22 as no talent is universal, but historically  
23 opportunities for our community have not been  
24 universal. So, thank you.

25 MS. LOZA: Next is Art Gertz. You're

1 allowed to talk.

2 MR. GERTZ: Can everyone hear me?

3 MS. LOZA: Yes.

4 MR. GERTZ: Yes. So, I hope everyone on  
5 this Lithium Commission understands that the sea  
6 is dropping about one foot per year. It will  
7 continue to dry up more than likely for the next  
8 10 years until we have a reliable adequate source  
9 of water to refuel the sea. I hope we understand  
10 that.

11 And the State is not meeting its  
12 milestones in the 10-year plan for fully covering  
13 the exposed playa, milestones are not being met,  
14 they're not catching up. Do we intend to have an  
15 unlimited supply of hay bales and gravel? Or  
16 what is the ultimate final solution?

17 And with that, I ask of all these  
18 wonderful things that Lithium recovery is to  
19 bring to the area, knowing that the sea will  
20 continue to dry up with thousands of acres of  
21 exposed playa being exposed, who in the Salton  
22 Sea Basin will be able to live in the area? All  
23 well and fine, what percentages of jobs compared  
24 to the percentage of jobs we already have in  
25 Imperial County, what is that percentage?

1           But the larger picture I ask you to focus  
2 on, who in Salton Sea Basin will be able to live  
3 in this toxic dustbowl that is going to consume  
4 everything in the area? I ask you to deeply  
5 consider that. Lithium is great, we hope it does  
6 wonderful things, we're hearing lots of wonderful  
7 things, but until we take care of the bigger  
8 problem in concert, how are we going to reap the  
9 benefits in the long term?

10           MS. LOZA: Thank you. I will read the  
11 Q&A bar. And this is from Christina Marquez, and  
12 she says: "Not a question, but YES to what Tom  
13 Soto was saying! Start large!"

14           And then our second commenter was from  
15 Art Gertz: "What is the percentage of jobs  
16 increase in Imperial County? Who will live in  
17 the sea basin as sea continues to dry up?" And  
18 then "(massive exposed play)?"

19           The next comment is from Leadership  
20 Council (LCJA ECV Office). It says: "Has there  
21 been analysis done on the expected manufacturing  
22 and recycling facilities of vehicles and  
23 batteries and potential pollution/environmental  
24 impacts from those?"

25           The next comment is from an anonymous.



1 It says: "Lithium batteries are incredibly  
2 hazardous and must be handled with care. If the  
3 plan is to store a vast amount of lithium  
4 batteries in one facility, what will you do to  
5 ensure that we don't end up with a fatal  
6 disaster?"

7 Last anonymous comment is: "Commissioner  
8 Soto comparing this to the Manhattan Project is  
9 very very worrisome. The Manhattan Project is  
10 not viewed positively by a large portion of the  
11 population."

12 Okay, so those are the last comments.  
13 Back to you, Chair Paz.

14 CHAIR PAZ: Thank you. So, we are going  
15 to start the second workshop on Environmental  
16 Impacts. During the October 28th public meeting,  
17 the Lithium Valley Commission conducted the first  
18 part of the Environmental Impacts Workshop which  
19 discussed community impact and environmental  
20 planning.

21 Some of the preliminary recommendations  
22 identified during that previous discussion were  
23 engaged community and environmental groups  
24 throughout project, environmental review, and  
25 develop processes; add community benefits,

1 requirements into State law regulating Lithium-  
2 related industrial activities in Lithium Valley,  
3 such as improving local environmental conditions,  
4 ensure Lithium extraction and production  
5 practices via best management practices that have  
6 minimal environmental impact.

7           Comments to date indicate a need for a  
8 deeper understanding of the permitting process  
9 and environmental analyses for these types of  
10 projects.

11           That is one of the goals for us to meet  
12 during this discussion; however, we were going to  
13 start with the permitting and environmental  
14 process and analysis first because people from  
15 the second portion of this have to leave early,  
16 I'm going to swap.

17           So, I will ask the first panelist who  
18 were going to be Eric Knight, Noemi Gallardo, and  
19 Jim Minnick. I'm going to swap and I'm going to  
20 be starting with public participation and  
21 engagement in CEQA and opportunities for  
22 addressing environmental justice concerns and the  
23 review of geothermal facilities and Lithium  
24 extraction.

25           So, this panelist will focus on public

1 participation and engagement and opportunities  
2 for considering environmental justice in their  
3 review of geothermal facilities and geothermal  
4 Lithium extraction projects.

5           We do ask all of our panelists to keep in  
6 mind the current projects that are at different  
7 phases in the region, so to summarize them there  
8 is one, the EnergySource Mineral ATLiS Project  
9 that plans to add a Lithium extraction facility  
10 to an existing geothermal power plant. This  
11 project received approval from Imperial County  
12 and EnergySource plans to start construction this  
13 year.

14           The Controlled Thermal Resources Project  
15 has completed its second geothermal production  
16 well and has either submitted its permit  
17 application or is in the process of submitting  
18 its Permit Application to Imperial County for a  
19 geothermal power plant with a co-located Lithium  
20 extraction facility.

21           And BHE renewables is constructing a  
22 demonstration plant for geothermal Lithium  
23 extraction and plans to bring the demonstration  
24 plant on line this spring. If the demonstration  
25 is successful, Berkshire Hathaway plans to build

1 a commercial scale plant.

2           So again, it's helpful to keep this  
3 project in mind as we're thinking about how we  
4 engage people in the process.

5           There were also some questions that were  
6 asked of the participants or the panelists who  
7 covered and they are as follows: what existing  
8 public health issues should be considered in  
9 reviewing future permitting and environmental  
10 impact analysis of geothermal and Lithium  
11 extraction projects?

12           How can Environmental Justice concerns be  
13 better addressed and public participation be  
14 strengthened in the review of these types of  
15 projects in the region?

16           How best can interested stakeholders and  
17 residents participate in the EIR and permitting  
18 process for these types of projects? What  
19 findings and recommendations would you suggest  
20 that the Lithium Valley Commission adopt that  
21 would have a meaningful impact for community  
22 engagement and public health specific to Lithium  
23 extraction projects?

24           So, with that, I will start with Dr. Paul  
25 English.

1 (Long pause.)

2 CHAIR PAZ: Dr. Paul English, you can  
3 unmute yourself.

4 DR. ENGLISH: Yeah, thank you. Sorry.  
5 Okay, let me just turn my video on. Could you  
6 advance the next slides, please?

7 Yeah, so one thing I just wanted to start  
8 talking about is we're talking about doing this  
9 development in an area, and I'm talking about  
10 Eastern Coachella Valleys and Imperial Valleys,  
11 that have a long history of poor health outcomes.

12 I'm an Environmental Epidemiologist. I  
13 work for the Public Health Institute out of  
14 Oakland, California. I'm the Director of a  
15 program called Tracking California and I've  
16 worked over 20 years for the Department of Public  
17 Health for the State of California.

18 I've been involved in work in Imperial  
19 Valley and the U.S. Mexico border for over 20  
20 years.

21 This graph that you're seeing now is  
22 emergency visits due to asthma in Imperial  
23 County. The bottom line is the State of  
24 California. These are rates per 10,000 people.  
25 You can see historically at Imperial County,

1 although it looks now that rates are starting to  
2 drop a bit following a trend in the state, but  
3 these rates have been 50 percent, 100 percent  
4 higher hospitalizations for asthma in the area.  
5 Next slide.

6           When you look at the Coachella Valley,  
7 don't forget it's really a story of two valleys.  
8 We have the affluent area in blue where the  
9 poverty rate is less than 20 percent, and 20  
10 percent greater poverty rate in the orange areas,  
11 which is the poorest border in the northern part  
12 of the Salton Sea. Next slide.

13           Now, when we look at rates of these  
14 health outcomes, and these conditions are air  
15 pollution-related conditions. That means that  
16 these are either caused by or exacerbated by air  
17 pollution. We're talking about asthma, Chronic  
18 Obstructive Pulmonary Disease (COPD), bronchitis,  
19 pneumonia, heart disease, and myocardial  
20 infarction, or heart attacks.

21           And you can see just the discrepancy in  
22 comparing those higher poverty areas near the  
23 Salton Sea to the more affluent areas where Palm  
24 Springs and those other communities are. So,  
25 we're seeing much -- these are emergency

1 department visit rates per 10,000.

2           And so, you can see for asthma, all these  
3 conditions, that the poorer areas bordering the  
4 Salton Sea in the Eastern Coachella Valley are  
5 much worse than the affluent areas in the western  
6 part of the valley. Next slide.

7           Environmental exposures, you know, what  
8 may be driving part of these poor outcomes, if we  
9 look at kind of what we call the premier tool for  
10 assessing pollution in the state, this is from  
11 the California Environmental Protection Agency,  
12 their CalEnviroScreen index, these are areas that  
13 get higher ranked, that are disproportionately  
14 burdened by multiple sources of pollution. And  
15 you can see that the Imperial Valley and parts of  
16 the Coachella Valley near the Salton Sea are in  
17 the top two deciles of cumulative impacts  
18 according to CalEPA. Next slide, please.

19           Now, when we're talking about best  
20 practices, and you asked about increasing public  
21 participation in the process, there is - we have  
22 an EIRs by the CEQA process and the Supreme Court  
23 has recently ruled in California that the EIR  
24 must show reasonable efforts to substantially  
25 connect a project's air quality impacts to likely

1 health consequences.

2           That's a standard, but the Health Impact  
3 Assessment which provides a framework to  
4 determine the potential positive and negative  
5 effects of a proposed policy plan or development  
6 project on human health, and how these impacts  
7 might be distributed in the population.

8           In other words, this type of process  
9 really addresses the disproportionate impacts,  
10 addresses Environmental Justice issues much more  
11 explicitly than in an Environmental Impact  
12 Report. And it's a much more complete analysis  
13 of the health effects that considers all the  
14 potentially significant direct, indirect, and  
15 cumulative health impacts associated with this  
16 development. Next.

17           So, my final message is there's going to  
18 be winners and losers in this project. Of  
19 course, there are health benefits from reduction  
20 in unemployment, there are health benefits for  
21 being employed. Of course, we want to not forget  
22 about occupational health risks that might be  
23 resulting. The losers may be asthmatic children  
24 if there is increased burden on this already  
25 totally maxed area for environmental exposures



1 and poor health outcomes.

2           And so, I would just urge the Commission  
3 to keep these facts in mind when going through  
4 the process. Thank you.

5           CHAIR PAZ: Thank you. Next is Jonathan  
6 London.

7           DR. LONDON: Good afternoon, everyone.  
8 Thanks to Chair Paz and Commissioner Olmedo for  
9 this introduction.

10           I'm a Professor at U.C. Davis. I have 25  
11 years of experience working with rural  
12 communities throughout California on issues of  
13 Environmental Justice, community participation,  
14 and broader issues of rural community development  
15 and well being.

16           I have worked in the Eastern Coachella  
17 Valley on a number of Environmental Justice  
18 projects and also in the Imperial Valley through  
19 my own Environmental Justice research and work  
20 through the Environmental Health Science Center  
21 at U.C. Davis. Next, please.

22           I'm going to leave a number of points at  
23 your -- on the table here just to lay them out in  
24 advance. So one is that history matters, and we  
25 should be thinking as the new Lithium Valley is

1 being launched to look at other natural resource  
2 depending areas and other mining areas to think  
3 about what are some things we want to avoid, and  
4 how do we achieve the kinds of things that have  
5 been expressed already, these really terrific  
6 visions.

7           Second, that Environmental Justice is an  
8 appropriate framework for laying out the  
9 guidelines for how the Lithium Valley can be  
10 developed in an equitable and inclusive way.

11           I want to highlight that CEQA, in  
12 addition to having outcomes of providing an  
13 analysis of impacts, is also a big governance  
14 process; so really thinking about the process,  
15 about transparency, and democratic inclusion, and  
16 also that it really ought to be the floor, not  
17 the ceiling; so things like the Health Impact  
18 Assessment that Dr. English just mentioned and  
19 the Community Benefits Agreements, which I  
20 understand was addressed in an earlier workshop,  
21 so I really want to support both of those. Next,  
22 please.

23           So just a little bit about mining  
24 dependent communities. While one hopes that the  
25 Lithium Valley will be very different from mining

1 dependent communities around the world, and over  
2 centuries, it's really important to make sure  
3 that that, in fact, is put into place. So, each  
4 can have significant boom and bust cycles and it  
5 looks great when the community and industry is on  
6 the upswing, and it can look quite different when  
7 it's in the downswing, so really needing to have  
8 a long-term perspective here.

9           Partly, that is that these can have these  
10 very long-term environmental impacts -- just  
11 think about closed fracking wells that are  
12 leaking methane, for example, when the firm is  
13 gone, who is going to be responsible for that?  
14 So really thinking about -- and I know methane is  
15 not at issue here, but as an example -- how do we  
16 create long-term custodial chains and  
17 accountability.

18           There can be in mine independent  
19 communities a lack of pathways into High Road  
20 careers, and I've been really pleased to hear  
21 that that's exactly the opposite of what people  
22 are talking about here, that there's very  
23 explicit emphasis on the High Road pathway, and I  
24 think that's terrific. I really want to commend  
25 both the firms and the Commission for emphasizing

1 that.

2           Sometimes there can be inadequate  
3 investments, you know, can be some minor  
4 investments, but if it's not really done at the  
5 scale of the impact of the industry, that can be  
6 a problem. And sometimes there can be a lot of  
7 emphasis on well-being of the firms, and the  
8 community can be getting less investment, as Dr.  
9 English was saying; there can be winners and  
10 losers and an Environmental Justice approach  
11 really pays attention to that. Next, please.

12           So, in terms of Environmental Justice,  
13 just to lay out a little bit of that terminology.  
14 Next. So, there's four different dimensions of  
15 Environmental Justice that I want to share.  
16 Next. The first is distribution, so there's an  
17 issue of who is getting over-burdened by hazards,  
18 and who is getting equitable access to  
19 opportunities. Next.

20           The next is about process and how well  
21 community, particularly those that are most  
22 affected by a given issue, are included in  
23 equitable and meaningful ways. Next.

24           There's also the issue of respect of all  
25 these different kinds of knowledge, so there's

1 certainly the scientific technical knowledge,  
2 there's also knowledge based on people's everyday  
3 lives, their bodies, their health, what they see  
4 in front of them, and how can you have a process  
5 that incorporates all of those different kinds of  
6 knowledge.

7           And finally, next, the ultimate vision of  
8 Environmental Justice is not just a place where  
9 you stop bad things from happening, but it's  
10 really about how do you build thriving, healthy,  
11 equitable, sustainable, prosperous communities.  
12 That's really the goal. Next, please.

13           In terms of what that looks like in  
14 policy, this is about incorporating EJ into NEPA  
15 compliance, so it looks at both fair treatment,  
16 so the issue of meaningful involvement and how  
17 these kinds of disadvantaged communities are  
18 involved -- that issue of process or inclusion.  
19 And it also deals with distribution or impact,  
20 that no group, regardless of background, is going  
21 to be getting a disproportionate share of  
22 negative environmental consequences.

23           So as the Lithium Valley Commission  
24 thinks about Environmental Justice, it needs to  
25 think both about involvement and process, as well

1 as impact, and particularly in a long-term way  
2 and even more particularly on the most  
3 disadvantaged populations. Next.

4           So overall, to really think about as you  
5 develop an Environmental Justice strategy, really  
6 try to identify who are the people who are least  
7 at the table, who are most marginalized, most  
8 disadvantaged.

9           So, thinking about this Salton Sea Basin,  
10 of course farmworkers, undocumented immigrants,  
11 Tribal residents, youth, elders, people who again  
12 are often disenfranchised or even invisible often  
13 in the case, for example, in undocumented  
14 immigrants. To really make sure it's meaningful  
15 engagement, so not just the standard public  
16 hearings, but really thinking about workshops  
17 that can be meeting people where they are, going  
18 to the churches, going to the civic associations,  
19 going to the schools, really developing co-  
20 developing engagement, so not assuming how, say,  
21 farmworker community or tribal communities want  
22 to be engaged, or should be engaged, but actually  
23 working with them to create a situation of how  
24 they want to be engaged, what's really going to  
25 be meaningful and impactful. And often it's not

1 the standard CEQA-based workshops.

2           To really think about cumulative impacts  
3 and long-term impacts, that this not a point in  
4 time impact, it really is this sort of larger  
5 holistic picture that needs to be accounted for.  
6 And again, not just to think about the negative  
7 stopping, the negatives, but also how do you  
8 proactively increase health, increase well-being  
9 in this holistic way, so not just environment,  
10 not just economy, but also education, also public  
11 health, mental health, community cohesion, all of  
12 those kinds of things that really go into a  
13 thriving community. Next, please.

14           So, this has been covered before, so I  
15 won't do this in much detail. Next, please. But  
16 just to kind of emphasize again the importance of  
17 CBAs. So, without a CBA or Community Benefits  
18 Agreement, or one that is just between the City  
19 or in this case, say, the County, the Irrigation  
20 District, and the Developer, and the Community is  
21 sort of in this disorganized setting and needing  
22 to develop these individual arrangements, that  
23 really creates a power imbalance. Next, please.  
24 You have in a CBA situation that there is an  
25 organized community in relationship with a city

1 or a public entity and the Developer. And it is  
2 this three-way system.

3           So just in closing, just a few of those  
4 characteristics. Next.

5           So first that they ought to be legally  
6 binding is one thing to sort of have a handshake,  
7 but when you're talking about something that  
8 generations in development having that written  
9 out and signed in the three-way, not just between  
10 the public entity and the private, but also with  
11 community signatory, a lot of the elements that I  
12 list here. There are many many many that you  
13 already had in that document that you discussed  
14 already, so here's just a few.

15           But also, what I didn't see in that  
16 document was an emphasis on monitoring long-term,  
17 sort of the lifecycle and lifetime assurance to  
18 make sure that those mechanisms and the CBAs are  
19 actually happening and that there are enforcement  
20 mechanisms to make sure that, again, over time  
21 that these kinds of really wonderful elements to  
22 the CBA actually are being experienced and are  
23 providing benefits for the communities.

24           So that is it. Thank you so much. I'll  
25 look forward to any questions.



1 CHAIR PAZ: Thank you, Dr. Jonathan  
2 London. Next is Lisa Belenky.

3 MS. BELENKY: Good afternoon,  
4 Commissioners and thank you for the opportunity  
5 to present today.

6 I will have a somewhat different  
7 perspective, but I'm hoping it dovetails well  
8 with the other participants.

9 The Center for Biological Diversity has  
10 worked to protect the environment in the  
11 California deserts for over two decades. And our  
12 work to protect species and habitats and air  
13 quality includes Imperial County.

14 We participated in the planning for  
15 renewable energy in the California Desert and on  
16 a project-by-project basis for solar, wind and  
17 transmission projects, as well as on other  
18 projects that we have openly opposed, such as  
19 sprawl development.

20 The Center strongly supports the shift of  
21 our energy needs away from fossil fuels and  
22 towards renewable resources, including geothermal  
23 resources, and we are very hopeful that the new  
24 Lithium extraction technologies from brine may  
25 avoid the need for large open pit mines and large

1 evaporation columns that are associated with  
2 other Lithium extraction domestically, as well as  
3 the issues with relying on imported Lithium,  
4 which may also have significant environmental  
5 impacts, as well as the human rights concerns.

6           I just wanted to say at the beginning I'm  
7 going to talk a little bit about the actual  
8 landscape of Imperial County. And if I cover  
9 actually my camera for a moment, this picture is  
10 actually the other side, the west side of  
11 Imperial County.

12           It shows an area of what was the ancient  
13 Lake Cahuilla that sat at the banks of the  
14 ancient Lake Cahuilla, which is a really  
15 important feature in Imperial County. And the  
16 picture in this slide is of the Algodones Dunes  
17 which is also a very important feature in this  
18 area.

19           The California Deserts are rich in  
20 biodiversity and cultural resources. While I  
21 can't speak for Native people, I have been told  
22 by elders in this area that it includes many  
23 sacred landscapes, as well.

24           There are also abundant solar and  
25 geothermal resources. Unfortunately, as we have

1 heard from other speakers, it also has highly  
2 impaired air quality that impacts human health,  
3 as well as the health of the environment. Much  
4 of this is caused by the drying of the Salton  
5 Sea, but that is not the only source of air  
6 quality impact in this area.

7           Activities that disturb intact soil,  
8 vegetation, and other disturbing activities such  
9 as grading can increase impaired quality impacts  
10 in the area. These impacts fall  
11 disproportionately on disadvantaged communities,  
12 as the other speakers have mentioned, which is an  
13 Environmental Justice concern.

14           First off, I'll provide a little bit of  
15 background on some of the species in this area,  
16 and then next I will discuss how CEQA can be  
17 viewed with an Environmental Justice lens to  
18 ensure transparency and public participation by  
19 the affected local communities, and other efforts  
20 that may be needed to ensure that disadvantaged  
21 communities experience a net benefit from the  
22 extending ramp up of the new Lithium industry and  
23 additional geothermal production in this area.

24           The next slide, this slide I realized it  
25 is quite busy, but it shows just a few of the

1 most imperiled species that inhabit these  
2 deserts. These include the iconic Mojave Desert  
3 Tortoise, the Flat-Tailed Horned Lizard, and rare  
4 plants species. There are many other common  
5 species like the Chuckwalla and the Desert Kit  
6 Fox, and there are both rare and common migratory  
7 species, many many birds, that also depend on  
8 this area for survival.

9           Impaired air quality and other impacts  
10 from new projects can harm both human health and  
11 the survival of these species. Could I have the  
12 next slide, please?

13           Now this even busier slide adds a little  
14 bit of overlay of some of the areas on public  
15 lands that have been designated as areas of  
16 critical environmental concern, a California  
17 Desert National Conservation Land that should be  
18 protected.

19           It also lists areas that have been  
20 designated as public lands and developed in  
21 focused areas that are specific to the  
22 development of geothermal resources and/or solar  
23 resources.

24           In Imperial County, many of the solar  
25 projects have also been developed on private

1 lands, including agricultural lands.

2           These are some of the resources that will  
3 need to be reviewed under any CEQA review.

4 Turning to the CEQA issues, CEQA is one tool, it  
5 is not the only tool, to achieve the best  
6 outcomes. CEQA requires that impacts be avoided  
7 where possible and that the remaining impacts be  
8 minimized and fully mitigated.

9           However, in a situation where the current  
10 baselines of impaired air quality is already  
11 causing impacts to human health, we believe that  
12 agencies go much further than what CEQA requires,  
13 and they must provide a net benefit to the  
14 community. And this will require commitments  
15 that go beyond the bare minimum of what is  
16 mandated.

17           Whether it is, as we have been discussing  
18 for a Community Benefit Agreement, or a fee or  
19 severance tax, or some other form of funding, the  
20 benefits to the community must address the  
21 impacts to the community and must include  
22 community input, and controlled prioritize how  
23 funds are used..

24           As Chair Paz just said today, a community  
25 process is required throughout the lifespan of

1 any funding. Any CEQA reviews for individual  
2 projects, or a larger Master Plan, or  
3 Programmatic CEQA Review, must take into account  
4 the baseline of the existent resources and must  
5 also consider the direct, indirect, and  
6 cumulative impacts of these projects, along with  
7 the growth they may induce. That could be  
8 increased traffic, transmission needs, housing  
9 needs, and others.

10           While growing an industry and job  
11 opportunities may be a positive impact, they  
12 nevertheless bring with them other impacts.

13           Many agencies will be involved in the  
14 CEQA process as responsible agencies. This might  
15 include, for example, the California Department  
16 of Fish and Wildlife, the Water Boards, or even  
17 CalGEM, which actually permits the drilling of  
18 the actual geothermal holes for new geothermal  
19 wells. But the principal responsibility will  
20 fall on the lead agency, which is most likely to  
21 be the County.

22           In order to ensure public participation,  
23 the lead agency must provide documents in  
24 translation to ensure participation and  
25 transparency for the local community. This is

1 not currently mandated by CEQA but should be a  
2 commitment going forward.

3           The Commission has done an excellent job  
4 of modeling how translation could work; however,  
5 this is not how most CEQA processes are typically  
6 done. Translation should not only be of Notices,  
7 for example that there is a document to be  
8 reviewed but should also include key documents to  
9 ensure transparency and community input.

10           In this instance in Imperial County  
11 public participation has often been quite low.  
12 For example, and I am definitely not picking on  
13 this project, it is just the most recent example,  
14 the EnergySource ATLLis Project, which was  
15 developed as a Lithium project processing brine  
16 from an existing geothermal plant, the Hudson  
17 Ranch One Project. The County prepared an EIR  
18 and there were literally no public comments.  
19 There were only three comments from other  
20 agencies.

21           As I understand it, the project is  
22 relatively small compared to similar projects  
23 that were expected in the future. While a  
24 positive step forward for the industry, it does  
25 have impacts to air quality. For example,

1 geothermal emissions are not just steam. And it  
2 also uses water resources and will require a  
3 waste stream. I reviewed the EIR, and it  
4 discusses things like filter tape which filter  
5 out unwanted minerals, and these may or may not  
6 be able to be reclaimed and recycled.

7 I am certainly not saying that this is  
8 not a good project, everyone is excited, this is  
9 a pilot project, but the lack of public  
10 participation is a significant concern.

11 I just want to end by saying I'm very  
12 glad to be here and happy to take any questions  
13 and I look forward to a robust panel discussion.  
14 Thank you so much.

15 CHAIR PAZ: Thank you, Lisa. And next is  
16 Jose Bravo.

17 MR. BRAVO: My name is Jose Bravo. I've  
18 been doing Environmental Justice for about 30  
19 years. I just started out doing Environmental  
20 Justice work with the Environmental Health  
21 Coalition in San Diego, and I was invited to the  
22 first People of Color Summit, where 500 of us  
23 came together to actually build what is now the  
24 Environmental Justice Movement.

25 I was also on the drafting of the



1 Principles for Environmental Justice and also the  
2 Jemez Principles for Democratic Organizing. I  
3 say that because a lot of times people still have  
4 concerns around Environmental Justice and how to  
5 describe it. We describe it very easily: for us,  
6 it's people of color, low-income communities, and  
7 those that are politically disenfranchised.

8           And to top it off, I think we add  
9 another element, which is also the fact that in  
10 many of our communities it does allow, if there  
11 is zoning, that zoning does allow sensitive use  
12 right up to industrial -- heavy industrial use.  
13 So those are some of the indicators that cause  
14 the harm to our communities and why we came  
15 together to do the work that we do.

16           I have some trajectory in Imperial  
17 Valley. Several years ago, many years ago, '94-  
18 '95, I produced a video on the New River in  
19 regard to the contamination on the New River. At  
20 that time, it was the most polluted river in the  
21 United States. Understanding that, there are a  
22 lot of issues that are already affecting the  
23 Imperial Valley, with everything from PM,  
24 Particulate Matter, and fugitive emissions.

25           And we believe that it's important for

1 communities to be at the table, not as an  
2 afterthought, but at the beginning of a process,  
3 to be equal members of the decision-making  
4 process, and making sure that people understand  
5 that. For us, it is not only about economics,  
6 it's also about those environmental impacts that  
7 pose harm.

8           So, I want to mention, I want to propose  
9 that moving forward everything that is being said  
10 and proposed here adhere to pollution prevention,  
11 toxic use reduction, precautionary principles,  
12 and, as Dr. English said, Best Management  
13 Practices. I think those are very very clear  
14 ideas of how we can move forward together. I  
15 think it's super important for us to make sure  
16 that we stick to those things.

17           I also believe that community-based  
18 organizations should take the lead and by taking  
19 the lead they should have all the information  
20 that is available to them. So, I believe in the  
21 fact that communities should have free prior and  
22 informed consent and, at the same time, help with  
23 engaging other stakeholders into this process,  
24 not the other way around.

25           I think that for many years we've

1 developed relationships with many folks, and some  
2 of you have just heard from some of these folks,  
3 and it's important that we all be at the table.

4           Also, when it comes to community  
5 benefits, I think that communities need to be  
6 able to prioritize where those benefits are going  
7 to land. In many instances, you know, local  
8 governments and others are the ones that kind of  
9 steer these things in different directions, but I  
10 think it's the responsibility of many of the  
11 communities, as well, to be able to steer those  
12 resources.

13           We believe that when there is a situation  
14 like there is with this geothermal plant, and the  
15 bringing of the brine, and the separation of  
16 Lithium, it has the potential to pose a lot of  
17 harm, especially harm in the way of disposing  
18 some of the waste, even though it might not be  
19 considered waste that we heard on a recent tour.  
20 But ultimately, I think it's important to make  
21 sure that the community is involved in all of the  
22 aspects of what could potentially harm them.

23           I would also like to propose that people  
24 start looking at ways that the resources could go  
25 to manufacturing jobs in what we believe in the

1 future to be, you know, a non-polluting way of  
2 doing things, but I would also stress the fact  
3 that we've got to look at cradle to cradle  
4 approaches, the system approach on things,  
5 instead of cradle to grave.

6           If we don't look at the system approach  
7 on things and the cradle-to-cradle and the re-use  
8 of products, or services, or whatever it be, then  
9 we're failing them, we're just producing  
10 everything that we can.

11           I will deviate really quickly and say  
12 that, you know, my father in the late '40s, early  
13 '60s, picked onions in the Imperial Valley when  
14 he first came into the United States. And he  
15 taught us to do the work the right way the first  
16 way, and not to do something that later we would  
17 have to go back and clean up. So, I think that's  
18 wise to keep in mind, and I think it's really  
19 really really important for folks to move in that  
20 direction.

21           We would also like to say that, you know,  
22 we've been supporting A.B. 1001 in regard to how  
23 communities are being identified and put into the  
24 process of identifying impacts and such, so we  
25 support that. And I think that the supply chain,

1 all those things that go along with that, I think  
2 are super important for our communities to be a  
3 part of, that discussion. Thank you very much.

4 CHAIR PAZ: Thank you, Mr. Bravo. At  
5 this point, I will take any questions or comments  
6 from the Commissioners. Luis.

7 COMMISSIONER OLMEDO: Hi, I just want to  
8 thank the panelists for bringing this  
9 information. I think it really brings some  
10 additional ideas and thoughts. I didn't hear any  
11 of the panelists necessarily say this can't be  
12 done, you know, but more bringing some best  
13 practices and ways that we can do it better. So,  
14 yeah, I just wanted to thank all of you. I don't  
15 have any questions at this time.

16 CHAIR PAZ: Thank you. Any other  
17 comments, questions?

18 I, too, want to appreciate and recognize  
19 all the information that was provided today. I  
20 mean it provides a really good context for the  
21 place, right, that we're looking at, where we're  
22 going to be removing or extracting Lithium from.

23 A few takeaways that I appreciate, where  
24 the importance of seeing CEQA sort of as the  
25 floor, not the ceiling, there are many more

1 things that we could be doing.

2           The differences between an EIR and a  
3 Health Impact Assessment; I think the Health  
4 Impact Assessment can, if done right, can also be  
5 another way in which our community gets further  
6 engaged in the process of understanding the  
7 projects that are being proposed.

8           The Environmental Justice principles,  
9 right, thinking of who are the beneficiaries and  
10 who are the ones who maybe are paying a price is  
11 really important.

12           And then something that we haven't  
13 touched on before, but what I'm taking away too  
14 is that we need more understanding on the air,  
15 the water, and the byproducts, or waste streams,  
16 or byproducts related to these plants.

17           So, again, I just wanted to highlight  
18 those takeaways for me and thank the panelists  
19 for your time.

20           We are now going to go deeper into  
21 understanding the permitting and the CEQA process  
22 from the agencies.

23           So, let's see, our first speaker on this  
24 portion of the panel is Eric Knight. Eric is  
25 from the CEC. He will provide an overview of

1 CEQA and the role and responsibilities of public  
2 agencies and the Energy Commission's permitting  
3 process and environmental review for power  
4 plants. So, Eric, if you can unmute yourself.

5 MR. KNIGHT: Good afternoon, Chair Paz,  
6 Vice Chair Kelley and the Commissioners and  
7 participants.

8 I am Eric Knight, Manager of the Siting  
9 Environmental Office at the Energy Commission.  
10 Thank you for this opportunity to present to you  
11 this afternoon.

12 I've been asked to provide a brief  
13 overview of the environmental review and  
14 permitting of geothermal power plants in Imperial  
15 County. And I'd like to just start out by saying  
16 I'd like to thank Andrea Cook and Stephen Kerr,  
17 my staff, for putting together this presentation.  
18 Next slide, please.

19 So, this first slide gives you kind of a  
20 snapshot, which agency, what permit, geothermal  
21 power plant based on its size in Imperial County.  
22 So, the Energy Commission licenses power plants,  
23 geothermal power plants that are 50 megawatts,  
24 net capacity of 50 megawatts and greater. And  
25 Imperial County would license geothermal power

1 plants less than 50 megawatts.

2           And I think there was a comment earlier  
3 that the majority of the projects likely would  
4 come through the County for permitting. I think  
5 historically that's true. So Imperial County  
6 would permit power plants smaller than 50  
7 megawatts. Also, it would be the County's  
8 authority for additions of less than 50 megawatts  
9 to existing geothermal power plants.

10           And also new power plants that are  
11 between 50 megawatts and not exceeding 100  
12 megawatts, this would fall in the County's  
13 authority. If the Applicant chose to seek the  
14 small power plant exemption from the Energy  
15 Commission, and it was granted that exemption,  
16 that permitting would then fall to the County.  
17 I'll get into that in detail just two slides  
18 later.

19           And also, additions between 50 and 100  
20 megawatts at an existing power plant, again with  
21 a small power plant exemption, would fall to the  
22 County.

23           The County could permit any size  
24 geothermal power plant if it applied for and  
25 attained delegation of geothermal licensing from



1 the CEC. And to date, no agency has applied for  
2 a delegation or received delegation. And I  
3 believe there was a presentation at the last  
4 Lithium Valley Commission about a rulemaking in  
5 process right now to streamline those provisions  
6 in our regulations. Next slide, please.

7           So, the permitting of the power plant  
8 with the Energy Commission if it's 50 megawatts  
9 and greater, our license covers the power plant  
10 and what's called "related facilities." And  
11 that's defined in our regulations as an electric  
12 transmission line, gas line, you know, the  
13 facilities that are dedicated to and essential to  
14 the operation of the power plant.

15           There's a unique carve-out for geothermal  
16 wells and conveyance lines associated with the  
17 geothermal facility, where they're not that  
18 defined as a related facilitator, specifically  
19 carved out.

20           So, the permitting of the geothermal  
21 wells and conveyance lines would fall to CalGEM,  
22 the California Geologic Energy Management  
23 Division of the Department of Conservation. But  
24 the environmental review of those facilities  
25 would fall under the Energy Commission's analysis

1 and, I should say, would fall under it if they  
2 were being done by the County, the County would  
3 be the lead agency. The County would include  
4 those elements as the CEQA lead agency in that  
5 whole lead action and their environmental  
6 document.

7           Lithium extraction that's related to a  
8 geothermal power plant, this would probably need  
9 to be determined on a case-by-case basis if this  
10 is a related facility or not and would fall  
11 within the Energy Commission's citing authority,  
12 licensing authority.

13           But again, like the geothermal wells and  
14 advance lines, no matter who the permitting  
15 agency is, the lead agency conducting the  
16 environmental review would include the  
17 environmental impacts and discussion of the  
18 Lithium extraction component of the project.

19 Next slide, please.

20           And now I want to get a little bit deeper  
21 into the details on permitting 50 megawatts and  
22 larger power plants at the Energy Commission and  
23 specifically geothermal plants.

24           So, the process that the CEC uses for the  
25 certification process, so the Application for

1 Certification process is a certified regulatory  
2 program under CEQA. So, the Secretary of the  
3 Natural Resources Agency is deemed the Energy  
4 Commission's site certification process as  
5 functionally equivalent to CEQA.

6           Essentially, I think what that means, to  
7 me, is that we follow all the tenets of CEQA. We  
8 have to identify significant impacts, sort of the  
9 impacts of the project, identify those impacts  
10 that are significant, identify mitigation, and  
11 consider alternatives that would avoid or reduce  
12 those impacts. It just means we essentially  
13 don't prepare Environmental Impact Reports, you  
14 don't see those letters on our documents, but we  
15 do produce a series of environmental assessment  
16 documents.

17           So, the process starts with the Applicant  
18 submitting an Application to the Energy  
19 Commission, it's called Application for  
20 Certification, and it's basically the Applicant's  
21 assessment of what they believe to be the impacts  
22 of the project, the mitigation measures that  
23 they're committing to, and it has to supply all  
24 the information that is specified in our  
25 Regulations.

1           The next step for staff is to review that  
2 application, make sure it's complete, it contains  
3 all the basic -- the minimum information required  
4 by Regulations. If it does, we'll make that  
5 recommendation to our commissioners to accept the  
6 Application, and then that starts the  
7 certification process. So that's what we call  
8 Data Adequacy.

9           But the information doesn't stop there.  
10 At that point we start conducting what we call  
11 Discovery, we start writing data requests asking  
12 for more information from the Applicant. We  
13 conduct outreach to all the agencies that would  
14 have an interest in the project and conduct  
15 consultation with Native American Tribes.

16           And the staff's research and analysis  
17 culminate in what's called a Preliminary Staff  
18 Assessment. There's a public workshop, or  
19 workshops held on that staff assessment to make  
20 public comment for the public, from agencies,  
21 Tribes, and the document is finalized, and that's  
22 called the Final Staff Assessment, which serves  
23 as the staff's testimony at evidentiary hearing,  
24 or hearings, that are conducted by the Energy  
25 Commission.

1           There are two Energy Commissioners  
2 assigned to each siting case. They hear the  
3 testimony of all the expert witnesses from the  
4 formal parties to the proceeding, which include  
5 the Applicant, staff, and staff is an independent  
6 party in an AFC proceeding. It could include  
7 formal Intervenors, so these are individuals,  
8 organizations, agencies, sometimes trying to  
9 apply for formal intervention and become a party  
10 to a proceeding. They also can present  
11 testimony.

12           Then, at the culmination of those  
13 hearings the Committee that's been assigned to  
14 hear the case will issue its Presiding Member's  
15 Proposed Decision, which is its recommendation  
16 without the license, or will deny the project.  
17 And then that's voted on by the full Commission,  
18 which is a body of five Commissioners appointed  
19 by the Governor.

20           And then, I just would close with that is  
21 that the Energy Commission, if a project were  
22 licensed by the Energy Commission, we serve as  
23 the Chief Building Official, so we oversee  
24 construction of the power plant, assure that it  
25 meets the California Building Standards Code, all

1 the other requirements to build a structure in  
2 California, and then we monitor all the parts of  
3 the project for its life, its compliance, its  
4 conditions of certification is what we call it,  
5 those are all the conditions in the license and  
6 those are developed to mitigate impacts and  
7 ensure the project will comply with all  
8 applicable laws, ordinances, and standards. Next  
9 slide, please.

10           So right here, this is just a snapshot of  
11 the Staff Assessment, the topic areas that are  
12 covered, and the Energy Commission's  
13 Environmental Document. So, like I said earlier,  
14 this is one of the bits of information that the  
15 Commissioners who are going to make a decision on  
16 a project will consider.

17           We are an independent party, so the  
18 Applicant also has an opportunity to present  
19 their information, but these are all the top  
20 areas that we would analyze. I'm sure they look  
21 very familiar to folks who are familiar with  
22 CEQA, California Environmental Quality Act or and  
23 EIR.

24           The unique feature of our documents is  
25 that, in addition to the Environmental Impacts

1 Assessment you'd see in a CEQA document, we also  
2 analyze the project's compliance, with the  
3 Federal, State, and local laws, ordinances,  
4 regulations, and standards. And that would  
5 include the County's General Plan, its Zoning  
6 Code, and there's a specific document that's  
7 provided to us by the local Air District, which  
8 is called Determination of Compliance, which is a  
9 document that advises the Energy Commission as to  
10 whether or not the project will comply with the  
11 local Air District's Rules and Regulations, and  
12 what measures are needed to ensure that. And  
13 those are folded into the environmental document.

14           And then also different from a normal  
15 CEQA document is those last topics you see, those  
16 are the engineering aspects of the project, so  
17 facility design, efficiency, reliability, and  
18 transmission system engineering. Next slide.

19           So, continuing on with our process, CEC's  
20 process, it is often times referred to as a one-  
21 stop-shop, so a Permit by the Energy Commission  
22 is in lieu of all other permits that would be  
23 required, but for the Commission's exclusive  
24 jurisdiction over a power plant 50 megawatts and  
25 greater. Having said that that, because of

1 geothermal, there's this unique carve-out for the  
2 wells and the conveyance lines, so those are not  
3 a part of our permit, but like I said before,  
4 they are part of our environmental review.

5           And there were comments earlier about  
6 Environmental Justice. That is a standard  
7 component of our Environmental Document, they  
8 have been for going on a couple decades. It has  
9 evolved over time. We follow the U.S. EPA  
10 guidance now on how to conduct an Environmental  
11 Justice analysis and ensuring meaningful  
12 participation in our proceedings, and we work  
13 very closely with our Public Advisor's Office in  
14 that regard to ensure that our noticing is very  
15 inclusive, and we have provided translation of  
16 documents and interpretive services at workshops  
17 and hearings.

18           There are many opportunities, I just want  
19 one other aspect, there's many opportunities in  
20 our process for public participation. There is  
21 an initial meeting that is called an  
22 "Informational Hearing and Site Visit." It's  
23 kind of like the Scoping Meeting under CEQA where  
24 the public has an opportunity to make comments,  
25 that's the first event where our Energy



1 Commissioners introduce themselves and staff  
2 introduces the process, and the Applicant  
3 discusses their projects.

4           We hold workshops during the course of  
5 the proceeding, the primary one would be the  
6 workshop on the staff assessment, Preliminary  
7 Staff Assessment, and then at the evidentiary  
8 hearing. Both the workshops and the hearings,  
9 there's always an opportunity for the public to  
10 comment.

11           We maintain a docket, so a Listserv and  
12 an e-commenting feature so the public can make  
13 comments to that regard and staff, mostly through  
14 our Project Manager, will monitor that and make  
15 sure that staff is aware of all those comments  
16 and considers them in their assessment.

17           The hearing process, I've already touched  
18 on this, it's an adjudicatory process, it's kind  
19 of like a Court of Law where witnesses can  
20 present testimony, they can be cross-examined by  
21 other parties, counsel, there's a redirect, and  
22 there is the Commissioners sitting up there and a  
23 Hearing Officer is running the event, kind of  
24 like a Court of Law. Next slide, please.

25           I loaded this earlier, there's this

1 opportunity for a Developer of a power plant  
2 between 50 megawatts, but under 100 megawatts, to  
3 obtain an exception from the Energy Commission.  
4 So that means that if the exemption is granted  
5 that the permitting authority would not be the  
6 Energy Commission, it would be the local  
7 government, in this case Imperial County.

8           So, the Commission can exempt the project  
9 from its certification requirements and pass it  
10 on to the County for permitting if it finds that  
11 the project will result in no significant and  
12 measurable impacts on the environment or energy  
13 resources.

14           And the process that staff would follow  
15 here, the Commission would follow, it's more in  
16 line with the typical CEQA process, the document  
17 that we produced. Over the years, there have  
18 been Negative Declarations and Mitigated Negative  
19 Declarations probably more so in the case, but  
20 also of late, Environmental Impacts Reports.

21           And so, if the findings can be made that  
22 there's no significant impacts on the  
23 environment, energy resources, the exemption can  
24 be granted. The County in that case would rely  
25 on the Environmental document prepared by the

1 Energy Commission to the permitting of the  
2 project.

3           So, we work very closely with local  
4 agencies and all the other permitting agencies as  
5 the responsible agencies under CEQA to ensure  
6 that document is usable by those agencies and  
7 with an attempt to avoid them having to do a  
8 Supplemental CEQA review. Of course, if this  
9 major project changes, that's another story.  
10 Next slide, please.

11           And this is just an overview of kind of a  
12 flow chart of what the general CEQA process looks  
13 like. And if we were doing a small power plant  
14 exemption, which is not a part of our certified  
15 regulatory program, so we would prepare a normal  
16 typical CEQA document, that most folks here are  
17 accustomed to. Next slide.

18           And these are the topic areas that would  
19 be included in our normal CEQA document, right  
20 out of the Appendix G Checklist of CEQA, very  
21 similar to the ones that appear in our certified  
22 regulatory documents. We just combine some of  
23 the topics areas, population, housing and public  
24 services, recreation are all combined into our  
25 Section Code socioeconomics, and Air Quality

1 includes greenhouse gas emissions. Next slide.

2           Here are just a couple of examples of  
3 some operational geothermal projects and who  
4 permitted them. Lakeview, geothermal projects,  
5 this is a 110-megawatt geothermal plant located  
6 in Sonoma County and the Geysers, a known  
7 geothermal resource area, KGRA near the town of  
8 Cobb. But it was larger than 50 megawatts, the  
9 CEC was the permitting agency and conducted the  
10 environmental review. And there's the COSO Navy  
11 2 geothermal project, this is an 80-megawatt  
12 geothermal facility located in Inyo County, and  
13 there's China Lake Naval Weapons Station, it was  
14 between 50 and 100 megawatts, therefore it was  
15 eligible to apply for a small power plant  
16 exemption. CEC conducted the environmental  
17 review, found no significant impacts, and  
18 exempted the project to local permitting. Next.

19           This map shows the operational geothermal  
20 power plants in Imperial County. They're noted  
21 by the brown circles showing their approximate  
22 locations. The table gives the net generating  
23 capacity of each plant. And so, as I had said  
24 earlier, all these plants were under 50 megawatts  
25 at their start during the permitting, so the

1 permitting was at the local level under Imperial  
2 County.

3           There's been modifications with these  
4 facilities over time, but unless they're greater  
5 than 50 megawatts or a greater addition to an  
6 existing facility, it wouldn't require CEC  
7 certification, so they stayed with the County.

8           I would just note, and you probably heard  
9 this at the last meeting, as I recall, that the  
10 CEC is opening a rulemaking proceeding to  
11 streamline the requirements for local agencies  
12 that seek delegation authority to permit  
13 geothermal power plants.

14           If Imperial County seeks and is granted  
15 that delegation authority, the County would be  
16 the lead agency for the environmental review.  
17 Any new geothermal plant in the County would also  
18 be given the permitting authority responsible for  
19 issuing the permits.

20           There's an associated rulemaking that  
21 would streamline those small power plant  
22 exemption processes, so the process that is  
23 available for power plants not exceeding 100  
24 megawatts. Next slide, please.

25           And the next couple of slides are just

1 some links on our website where you can find  
2 additional information and some general power  
3 plant licensing information, links to Title 20,  
4 the Public Utilities Energy Section of Title 20  
5 that is our -- regulations like that and the  
6 siting exemption processes. Next slide, if you  
7 can click, there's a link that gives you a  
8 listing of all the power plants that have been  
9 certified by the Energy Commission or presently  
10 and the licensing process about how to  
11 participate as a public member in siting cases.

12           The last slide, there's my contact  
13 information. And that concludes my presentation.  
14 I thank you very much for your attention.

15           CHAIR PAZ: Thank you, Eric.

16           MR. KNIGHT: You're welcome.

17           CHAIR PAZ: Next, we have Noemi Gallardo  
18 from CEC who will share about how the Office of  
19 the Public Advisor, Energy Equity, and Travel  
20 Affairs provides information on how to  
21 participate in business meetings, workshops, and  
22 formal proceedings at the California Energy  
23 Commission. And I do want to note with Noemi's  
24 presentation, again, that this could be sort of a  
25 model to consider moving forward on how the

1 permitting is working maybe on either the ground  
2 or the County level. Noemi.

3 MS. GALLARDO: Buenos Tardes, good  
4 afternoon, thank you Chair Paz for that intro.  
5 Vice Chair Kelley, Commissioners, everyone, it's  
6 an honor to be here with you.

7 As Chair Paz said, I'm Noemi Gallardo,  
8 Public Advisor at the California Energy  
9 Commission, also leading the Office of the Public  
10 Advisor Energy Equity and Tribal Affairs.

11 I am presenting to you to highlight the  
12 role of the Public Advisor and the practices  
13 implemented by the Energy Commission to help  
14 ensure community engagement and stakeholder  
15 participation. And, you know, potentially to use  
16 as a model, or at the very least the practices  
17 you can consider as you strategize about the  
18 needs for the Lithium Valley vision when you're  
19 crafting recommendations for the report, you'll  
20 produce later this year. Next slide.

21 The purpose of my role is to help ensure  
22 that public can participate and engage in the  
23 Energy Commission's planning, site and facility  
24 certification, energy conservation, emergency  
25 procedures, and all CEC proceedings including

1 Business Meetings and Workshops.

2           And I really appreciate that the Energy  
3 Commission has this role, not solely because it's  
4 a dream job for me, but I really enjoy it and it  
5 helps me put a roof over my children's head, but  
6 also because energy is such a fundamental  
7 resource that impacts everyone's daily lives and  
8 we should have someone in a leadership position  
9 to ensure that public knows what's happening,  
10 can help education them, inform them, engage, and  
11 really have all Californians involved in the  
12 process.

13           So, as you talked about earlier, this  
14 knowledge and opportunity to participate is an  
15 equity, inclusion, and Environmental Justice  
16 issue. I just want to highlight that.

17           Here are some key features about the  
18 CEC's Public Advisor role. So, it is mandated by  
19 statute in the Warren-Alquist Act. The Public  
20 Advisor must be a licensed attorney, who I am,  
21 nominated by the Energy Commission and appointed  
22 by the Governor for a three-year term.

23           The requirement for legal training is  
24 key, I think, to ensure that the person can  
25 better understand the perimeters and contours of



1 the laws that we apply and must abide by when it  
2 comes to energy and engagement, including the  
3 California Environmental Quality Act (CEQA), the  
4 Public Resources Code, the Dymally-Alatorre  
5 Bilingual Services Act, legislative mandates, and  
6 others.

7           And I think for this type of job where  
8 relationship building is essential to creating  
9 trust, which is the foundation for equitable  
10 social infrastructure, the three-year term is too  
11 short and five years or more would be better, but  
12 at least we got three years here.

13           And I do report directly to the Chair,  
14 which shows this work with engagement is high  
15 profile, it needs to be close to the head of the  
16 agency so that I can provide recommendations  
17 directly to him.

18           Another critical aspect is that the  
19 Public Advisor advises both the public and the  
20 CEC using different mechanisms, of course, but  
21 advising both. And the Public Advisor is not  
22 supposed to be an advocate for or represent a  
23 representative of the public, you're not supposed  
24 to side with anyone, this is a mutual role that  
25 focuses on informing during outreach and

1 engagement. Next slide.

2           This is the visual we use to explain to  
3 the public what we do. We're a bridge,  
4 intentionally built to connect the public with  
5 the Energy Commission. And this happens to be  
6 the Tower Bridge in Sacramento, small and mighty,  
7 just like my team, so I like to show it off.

8 Next slide.

9           So, the Warren-Alquist Act outlines some  
10 essential duties for the Public Advisor. This is  
11 a lot of text here, but I wanted to show you that  
12 the language used was "shall" meaning that these  
13 actions are required.

14           And it's a lot ensuring full and adequate  
15 participation by all interested groups in the  
16 public, ensuring timely and complete notices that  
17 are disseminated to all, advising groups of  
18 effective ways to participate, and recommending  
19 to the Energy Commission additional measures for  
20 participation. These are all good practices and  
21 I'll emphasize that we view these as the floor,  
22 and always aim to do this well and to do more.

23 Next slide.

24           Our Regulations also added more duties  
25 that are important to helping us better inform,

1 education, outreach to and engage with the  
2 public. There's a long list of duties, I listed  
3 a few of them here, which you'll see on the left  
4 side, and we've taken that and done more, which  
5 you'll see on the right.

6           For example, we respond to all inquiries  
7 we receive. We tailor responsive and do not have  
8 any canned responses. We log all of the  
9 correspondence to keep a record of who is  
10 engaging with the Energy Commission. We not only  
11 refer the public when they reach out to staff but  
12 seek out subject matter experts who can provide  
13 the most accurate information and be responsive  
14 to the specific ask that we're getting.

15           We don't just solicit participation, we  
16 engage stakeholders at the stage they're at, and  
17 at the level of understanding they have of the  
18 Energy Commission and our processes, and we will  
19 walk them through each step and do one-on-one  
20 education and even handhold if we need to, just  
21 to ensure that they know what they can do to  
22 engage. Next slide.

23           And here's how we've expanded our scope  
24 of practices beyond the legal requirements in the  
25 Warren-Alquist Act and our Regulations. So, we

1 aim to build relationships for staff with the  
2 public and stakeholders so that there's more  
3 robust engagement and connections happening  
4 throughout our effort.

5           A group we often work with and have come  
6 to rely on for guidance about how to improve our  
7 efforts to increase benefit for disadvantaged  
8 communities and low-income communities, in  
9 particular, is the Disadvantaged Communities  
10 Advisory Group, known as DACAG, who is the  
11 agency's key advisory body.

12           The Public Advisor also serves as a  
13 convenor for interested groups, including Energy  
14 Commission staff and our peer agencies. An  
15 example is the picture shown here of a roundtable  
16 discussion that my team put together to have  
17 leadership staff and advocates and community  
18 leaders an opportunity to talk about key issues  
19 related to equity and Environmental Justice. In  
20 this instance, it was about transportation and  
21 electrification, and that helps influence  
22 decision-making, policy development, and project  
23 information to make it more valuable for all  
24 Californians and those in disadvantaged  
25 communities and low-income communities, in

1 particular, and fencing communities as I've heard  
2 earlier today.

3           We're also advancing equity and  
4 Environmental Justice efforts by creating a  
5 framework, an assessment tool for our efforts,  
6 and an Action Plan that's happening this year  
7 through the IEPR proceeding. We've also expanded  
8 to include Tribal affairs in my office, which  
9 helps to support all divisions who want to engage  
10 with the tribes and to do consultation with them.

11           We also support language services and  
12 work with siting staff, like Eric, who presented  
13 earlier, to ensure when we're doing the work that  
14 is place-based, that we provide interpreting and  
15 translation in the languages of the community,  
16 not just what's required by law into the Damali  
17 Alletory Bilingual Services Act or CEQA, but  
18 languages provided by local government, as well  
19 as what the community asks us to provide. For  
20 example, with this Lithium Valley Commission  
21 proceeding, we've focused on Spanish and  
22 Purepecha.

23           We're also leveraging the Commission's  
24 website and social media channel to help get the  
25 word out of the different methods beyond our List

1 Servers. Next slide.

2           Here are some images of place-based  
3 engagement we're doing in the Salton Sea region  
4 that's helping connect the State with local  
5 leaders and just residents, in general. I think  
6 this type of engagement where the Public Advisor  
7 can support getting the Energy Commission and  
8 other state agencies to where the community is  
9 located must be done and is critical to ensuring  
10 we can understand the dynamics and the landscape  
11 of the area. It's essential for us to know how  
12 the State's decisions could affect the people and  
13 the land.

14           On this note, I'll say thank you to all  
15 of you for the warm welcome we've received these  
16 past few months, as various state officials have  
17 been visiting the Salton Sea Region.

18 Specifically, thank you to Chair Paz, Vice Chair  
19 Kelley, Commissioner Scott, Lopez, Olmedo, and  
20 Ruiz for introducing us to and guiding us around  
21 your home there. Thank you to Commissioners  
22 Weisgall and Colwell for enabling us to tour the  
23 sites of your projects.

24           I'm looking forward to visiting again and  
25 have received a lot of feedback from other at the

1 Energy Commission and at other State and Federal  
2 agencies actually who want to visit and  
3 contribute. You're all very popular, so stay  
4 tuned for some requests. And in these pictures,  
5 you will see some familiar characters. Next  
6 slide.

7 I'll conclude by providing my contact  
8 information in case you want additional details  
9 about any of our practices, or my role  
10 specifically, and I am available for questions  
11 now, too, if you have any. I know we're tight on  
12 time but wanted to leave that with you. Thank  
13 you so much. That concludes my presentation.

14 CHAIR PAZ: Thank you, Noemi. And next we  
15 have Jim Minnick from Imperial County Planning,  
16 who will discuss Imperial County's permitting  
17 process and the environmental review performed by  
18 the County for the EnergySource Minerals Project  
19 ATLiS.

20 MR. MINNICK: Thank you for inviting me.  
21 Thank you, Commissioners, for taking the time to  
22 listen to all the speakers. It has been quite a  
23 bit of good information. I do not have a  
24 PowerPoint, I figured at this point in the game a  
25 PowerPoint is not something you want to have to

1 continue to see, so I chose not to do one.

2           That said, I'm going to keep this  
3 relatively brief. What I'm going to do is I'm  
4 going to go over the County's geothermal process,  
5 the CEQA process, the ATLiS Project, and a  
6 current update of projects that we're working on.

7           So as most of you know, the County of  
8 Imperial has been involved in geothermal resource  
9 development for quite a few years. Basically, we  
10 can track it all the way down to wells in the  
11 1920s for Carbon Dioxide processing. But we  
12 really got it going in the '70s with the first  
13 stabilized geothermal production wells.

14           Currently, depending on how you do the  
15 math, we have 20 plants throughout the valley,  
16 generating almost 600 megawatts of power. That  
17 is just a small bit of power from the geothermal  
18 resource that has been identified. And in the  
19 2014 VRECP, they identified 2,800 megawatts of  
20 power that could be produced in Imperial County  
21 from geothermal resources by 2040.

22           What we're going to talk about today,  
23 though, has to do more with the area around the  
24 Salton Sea, which we call the Salton Sea  
25 Geothermal Resource Area, or KGRA, it's one of



1 nine KGRAs we have in the County. This one was  
2 identified in 1981, it's called the Salton Sea  
3 Anomaly. And it was proposed to produce up to  
4 1,400 megawatts. We currently have around 400,  
5 or near 400 megawatts being generated in the  
6 Salton Sea geothermal area.

7           Currently, we have three projects that  
8 we're working on, one is, as mentioned earlier,  
9 the ATLiS Project. I'll go into more detail  
10 later. That has already been approved and is in  
11 the process of getting Building Permits. The  
12 Hells Kitchen, or Controlled Thermal Resources,  
13 which one of your Commission Members is in charge  
14 of that, has been submitted to the County and  
15 I'll talk about that in a little bit in a minute.

16           And then of course, Berkshire Hathaway,  
17 and Jonathan has been a longstanding Commissioner  
18 and they are working on their pilot projects and  
19 you're probably aware of that, too.

20           So, let's talk about geothermal first.  
21 The County has a two-part process with geothermal  
22 development. The first part is a Conditional Use  
23 Permit for exploratory wells and exploratory well  
24 field. An operator will typically come in, go  
25 through the CEQA process which I'll talk about

1 again later, and the Conditional Use Permit  
2 process to identify areas where they feel that a  
3 geothermal resource is potential. If approved,  
4 the Developer will then do exploratory well  
5 drilling. If the resource that they drill for is  
6 found to be valid for commercial purposes, they  
7 will then come back to the County and process an  
8 additional Conditional Use Permit for a  
9 geothermal power plant and, as mentioned earlier,  
10 up to 49.9 megawatts is what the local  
11 jurisdiction has authority over right now.

12           Once that project has been  
13 environmentally reviewed and ultimately approved,  
14 the two Conditional Use Permits are merged into  
15 one, and so the operator would have a single-use  
16 Permit that covers the well, the well fields, and  
17 the plant.

18           So now let's talk about briefly the CEQA  
19 process from a local perspective. As many of you  
20 know, CEQA was established in the State of  
21 California in 1970, not long after NEPA or the  
22 National Environmental Protection Act was  
23 approved by the Federal Government earlier in  
24 1970.

25           We all have to follow the CEQA process,

1 there is no deviation from that, but for those of  
2 you on the call that don't know much about it,  
3 let's walk through it.

4           An application is brought into the  
5 County, or any county. The County has 30 days to  
6 review the application for completeness. If it's  
7 found to be complete, we proceed forward; if it's  
8 not, we reject it. CEQA has timelines that we  
9 have to proceed with following up projects from  
10 beginning to end.

11           The other thing that's important to  
12 understand is a CEQA process is, at the end of  
13 the day, a tool for decision makers to make a  
14 decision on the discretionary action. It is not  
15 an approval or denial of a project. CEQA cannot  
16 do that in itself. It's literally just a  
17 mechanism to help the public understand and the  
18 decision-makers what the potential impact of a  
19 project is.

20           Once an application is determined to be  
21 complete, the processing, we would then start the  
22 initial study, or it's called an Environmental  
23 Checklist, it was mentioned earlier that these  
24 checklists have a number of categories. These  
25 categories, they were already posted, but just to

1 highlight them, air quality, cultural resources,  
2 greenhouse gases, energy, hydrology, population  
3 and housing, traffic, noise, biological  
4 resources, and so forth. And every couple of  
5 years they add more to that.

6           So, if you were to go back and look at a  
7 CEQA Checklist from like 1980 versus one that's  
8 adopted in 2021, they are significantly  
9 different. So, we are learning as we go, and we  
10 are adding more every year as to how to  
11 environmentally assess something.

12           Once the initial study has been drafted  
13 in our County, what we do is we hold a public  
14 meeting, we notify through the notification  
15 process -- and let me walk through that for a  
16 moment. In the County we do a Public Notice of  
17 adjacent property owners. Depending on the  
18 zoning, it can go from 1,000 feet to half a mile.  
19 We notice in the newspaper of largest  
20 circulation. We also go so far as to notice, in  
21 addition to our highest circulation, we will  
22 notice in the newspapers of the area's  
23 circulation.

24           So, for example, if it's a project in the  
25 north end, not only do we notify in our IV Press,

1 which is our largest circulation, but we'll also  
2 post Public Notices in the Desert Review, which  
3 happens to be the Brawley area newspaper. So, we  
4 do get the Notice out, we also notify all  
5 applicable agencies and apartments, and local  
6 cities that are within the area that we think.

7           So State, local, Federal all get notified  
8 of a potential project. Our first hearing is  
9 called the Environmental Evaluation Commission  
10 Hearing and what that does is that reviews  
11 staff's prepared initial study in a public  
12 process where the public, the agencies, and the  
13 Commission all have an opportunity to review that  
14 document and come to a conclusion.

15           All CEQA documents come to one of three  
16 conclusions. The project receives a Negative  
17 Declaration, which means there is no impact, or  
18 no significant impact on the environment in any  
19 of those categories. A mitigated Negative  
20 Declaration, which means there were impacts, but  
21 mitigations have been found and agreed upon and  
22 incorporated to reduce the project to a less than  
23 significant determination, that's called a  
24 Mitigated Negative Declaration.

25           All our projects will receive the

1 requirement for an Environmental Impact Report,  
2 which we've talked about earlier, an EIR. In our  
3 County we have to go through this process with  
4 every project; however, on larger projects  
5 applicants to elect to voluntarily agree to do an  
6 EIR up front. That is something that the ATLiS  
7 Project, did, which we'll get to, did so they did  
8 not go through this CEQA -- this Environmental  
9 Evaluation Committee Process.

10           However, if a document has received a Neg  
11 Dec or a Mitigated Neg Dec at the conclusion of  
12 this hearing, it would then be publicly  
13 circulated through the CEQA process for 20-35  
14 days, and then proceed forward with comments and  
15 responses, and ultimately to a decision-making  
16 body.

17           And EIR, however, if found to determine  
18 like this, we then have to go through a different  
19 process. An EIR requires a comprehensive  
20 analysis. Basically, it tells you that after  
21 we've done this checklist, we have questions that  
22 we cannot answer through the regular process, and  
23 studies need to be prepared.

24           This EIR process for the County, we do  
25 what's called an arm's length approach, we do not

1 allow the Applicant to prepare the initial study,  
2 and the County does not prepare the initial  
3 study. We hire a third-party contractor to do  
4 it. That process is done through an RFP. Once  
5 the responses come back from an RFP, staff  
6 reviews it, we get together with the Applicant,  
7 we provide them copies of it, they review it, and  
8 we ultimately make a decision. The key part on  
9 that decision-making process, other than them  
10 providing us with a quality response, is to make  
11 sure the Applicants themselves have not been  
12 under contract with the consultant, either  
13 currently or in the recent past, so that we know  
14 that there's no conflict there.

15           Once we go under contract, the Consultant  
16 and the Applicant cannot speak to each other  
17 without the County involved in it. We keep them  
18 separate whenever possible. They can be part of  
19 the communications, but it cannot be exclusive of  
20 it, we don't want them talking to each other.

21           One of the things that an Applicant will  
22 do a lot of times when they are preparing a  
23 project to be submitted to a jurisdiction is they  
24 will prepare a certain number of studies which  
25 you would call due diligence, so an example, if

1 you had a housing project, you would probably go  
2 out and do a traffic study before you submitted a  
3 project to kind of get an idea of what your  
4 impacts could potentially be.

5           These prior assessments or Analysis,  
6 we'll accept those as part of the project package  
7 so far as the EIR Consultant that we hire peer  
8 reviews it. And if they peer review this, let's  
9 say Commissioner Ryan prepares a traffic study  
10 and he prepared it for Commissioner Jonathan.  
11 And Ryan liked working for Jonathan, so he made  
12 sure it was a good quality outcome. Well, I hire  
13 Commissioner Ruiz and he says, "You know what?  
14 This isn't good, this needs to be changed." We  
15 have the opportunity to either require  
16 Commissioner Ryan to redo it or throw it out and  
17 start from scratch. That's the process that we  
18 take to make sure that we have a valid document  
19 across the Board. So, it pays Commissioner  
20 Jonathan to do a really good job of paying  
21 Commissioner Ryan to do a quality document, which  
22 we know Jonathan will do.

23           Thank you for letting me use you guys as  
24 part of the comments, or conversation.

25           Anyways, once the initial study has been



1 prepared internally, or once the EIR has been  
2 prepared internally -- I'm sorry, let me back up  
3 one step -- when the Consultant comes on board,  
4 we do what's called a Notice of Preparation, you  
5 heard that term earlier from a prior commenter.  
6 The Notice of Preparation essentially is a public  
7 informational document that tells the public that  
8 we are preparing an EIR for this particular  
9 project and we are soliciting comments for what  
10 the public or agencies want to see in the EIR.

11           So, it's not to comment whether it's a  
12 good project or a bad project, but it's to  
13 comment what they're looking for. We want to  
14 make sure that we're preparing a document that is  
15 going to address concerns that the public has  
16 before we actually release the document, it's  
17 very critical.

18           And under CEQA that process is a 30-day  
19 public review, comment review period. The other  
20 thing that CEQA allows is a Scoping Hearing, or a  
21 Scoping Meeting. It's not required, but it's  
22 allowed, and this County does two of them. They  
23 hold them about halfway through the Notice of  
24 Preparation Period, so if it's a 30-day period  
25 around Day 15, we hold a Public Scoping Meeting

1 and we have one at 1:30 in the afternoon, and  
2 then we have another one at 6:00 p.m. to make  
3 sure we are trying to cover a majority of the  
4 peoples' availability.

5           Once that time period is over, we release  
6 the Consultant to prepare the Draft EIR, they'll  
7 prepare what's called a Screen Check and an  
8 Administrative Draft. The Administrative Draft  
9 is reviewed internally by the County, it is not  
10 allowed to be reviewed by the Applicant. Once  
11 we've looked at it, then it goes to what's called  
12 a Screen Check Draft, and that is when the  
13 Applicant has a chance to take a look at the  
14 document.

15           The Applicant can help us with correcting  
16 errors that we may have on their general project,  
17 but they cannot change determinations that are  
18 found in the EIR, that still has to stay  
19 independent.

20           Once we have that done, we will release a  
21 Draft Document that is 45-day is the minimum time  
22 under State law, we do it for 50 days, we want to  
23 make sure that we definitely cover our bases.  
24 During that review period, the County will  
25 receive comments.

1           It was mentioned by the lady from the  
2 Center for Biological Diversity that we received  
3 three comments for ATLiS Project, that's part of  
4 that commend period process. Any comments that  
5 are received are then reviewed and, if responses  
6 are warranted, they are provided.

7           Then the final Environmental Document is  
8 prepared, which essentially is the original draft  
9 document plus comments and responses.  
10 Additionally, if comments were a substantive  
11 point where it resulted in the need to  
12 recirculate the document, that can occur as well.

13           Once everything is set up, then we go  
14 forward with the Planning Commission. Now, this  
15 is the third time a project has been presented in  
16 some form, it was presented at the EEC, it was  
17 presented at the Notice of Preparation, and now  
18 it's been presented at the Planning Commission.

19           The majority of EIR projects require the  
20 Planning Commission to review and make a  
21 determination to the Board of Supervisors. The  
22 Board of Supervisors would then make the final  
23 decision, and that would also be a public  
24 hearing.

25           So, the project by the time it's done

1 will have three to four public process hearings  
2 in some form. Plus, notifications every single  
3 time in the newspaper, every single time with the  
4 property's owners, and every single time to  
5 agencies. All of that is done on a continuous  
6 basis.

7           If the Board of Supervisors approves the  
8 project, then there is a Notice of Determination  
9 that is finalized, it must be done so within five  
10 days. After that, legal challenge is available  
11 for the next 30 days through the State Ordinance.

12           All right, so that's how a CEQA process  
13 normally works in our County. The other thing I  
14 would like to point out is the County has what is  
15 called the Rules to Implement CEQA, it's  
16 available on our website, it is also a  
17 requirement of CEQA to have that, and it  
18 identifies exactly what I'm saying, but probably  
19 in a better tone than I am presenting it, and  
20 most likely without any verbal edits.

21           Next thing is ATLiS. ATLiS is a  
22 renewable energy project, it is the currently  
23 approved mineral extraction facility, it is not  
24 the County's first one; that goes to Berkshire  
25 Hathaway, they did a Zinc one in the late '90s

1 and early 2000's. They were so successful that  
2 they blew out the market and stopped doing it.  
3 But they know better than anybody else how to  
4 extract minerals from geothermal brine. Don't  
5 let Jonathan tell you that he's practicing and  
6 trying, these guys are experts at this.

7           That said, in the early 2000s we  
8 processed a project called Simbol. It proposed  
9 to use the Hudson Ranch brine and that project  
10 was ultimately approved, as well as the sister  
11 project called Simbol II. However, neither of  
12 them got passed with testing facility stage.

13           It must have, however, attracted Hudson  
14 Ranch because they came back and developed their  
15 own process, and we processed a project called  
16 ATLiS. ATLiS was submitted to the County in July  
17 of 2020. We went out -- they requested that we  
18 do an EIR, so we did not have to go through part  
19 of that determination process, it makes it a  
20 little more efficient, also makes the process go  
21 faster.

22           ATLiS proposed to develop a Lithium  
23 extraction facility, or actually technically a  
24 mineral extraction facility adjacent to the  
25 Hudson Ranch projects, right, to use their brine

1 source. They are proposing 19,000 cubic tons of  
2 Lithium, 20,000 cubic tons of Zinc, and 60,000  
3 cubic tons of Manganese each year.

4 In the scale of larger projects, this is  
5 a pretty middle of the road one, but it's going  
6 to be nice to see one actually up and running.

7 The EIR process from the time we started  
8 in July, we went out for contract in August, we  
9 put Chambers Group under contract in September.  
10 The Planning Commission heard this project in  
11 October, and ultimately it took 13 months to go  
12 from the beginning to the end.

13 CEQA gives us 12 months to do that, so we  
14 went within their time frame, we have found ways  
15 to make it more efficient subsequent to that.  
16 One of the things was we used to have to go to  
17 the Board of Supervisors to sign a contract for a  
18 consultant who is using applicant funds to do a  
19 project, we no longer have to do that. That  
20 would cut about 30 days off our process, for  
21 those of you who are interested in that type of  
22 information.

23 The other way to keep a project on task  
24 is if it doesn't change. Jonathan, this is for  
25 you. Once the project comes in, you're going to

1 have to have a pretty solid project description  
2 because any time you make significant changes to  
3 that, it starts and stops the CEQA review  
4 process. There's no way around it.

5           Anyways, the conclusion of this  
6 Environmental Document found a couple things.  
7 There was what's called a Mitigation Monitoring  
8 and Reporting Program required for all CEQA  
9 documents. The mitigation measures that were the  
10 impacts from this project involved biological,  
11 geology, paleontology, traffic, and utilities.  
12 None of these actions were significant, they all  
13 were mitigated to less than significant, and  
14 there was no overriding consideration required  
15 for this project.

16           Very important to understand, an  
17 overriding consideration which is allowed by CEQA  
18 is where a jurisdiction makes a determination  
19 that regardless of the impacts, the project as a  
20 whole has a more beneficial aspect than the  
21 impacts, and there is no mitigatable process  
22 where you can reduce the impact to less than  
23 significant.

24           Examples locally would be our commercial  
25 mall that was developed in the City of El Centro.

1 There was no way to fully mitigate all of the  
2 traffic requirements, but the City determined  
3 that it was more advantageous to have a mall for  
4 its community than it would be to not do it, so  
5 they did what's called an Overriding  
6 Consideration.

7           The County of Imperial, however, is not  
8 in the business of doing Overriding  
9 Considerations. I've been here since 1997, we  
10 have yet to do one since 1997, so we do take our  
11 CEQA process very seriously and we work very hard  
12 to make sure that all impacts are mitigated.

13           Beyond that, the project has proposed to  
14 commence operation for construction purposes in  
15 the middle of this year, and they're proceeding  
16 forward right now with the review of their  
17 project descriptions on Building Permits. We're  
18 expecting that by June.

19           They are still working on the Air Quality  
20 Permit to Operate, Permit to Construct  
21 documentation, and that's about it on that.

22           With regards to -- I'll answer of course  
23 any questions you might have -- but with regards  
24 to the CTR Project, really really quickly, the  
25 project came in in December of 2021, we got under



1 contract in January of 2022, we kicked off the  
2 CEQA process in February. Our Notice of  
3 Preparation will start on March 31st and go to  
4 May 13th, and our Scoping Meeting for that  
5 project will be on April 28th. That's it for me.

6 CHAIR PAZ: Thank you, Jim. And again,  
7 thank you to all of the presenters.

8 At this point, we can take questions from  
9 the Commissioners. Ryan.

10 VICE CHAIR KELLEY: Just a quick question  
11 for Mr. Minnick. On development impact fees for  
12 special districts like Calipatria School  
13 District, I had the question last night, will  
14 EnergySource impact fees be at occupancy, or  
15 Notice of Construction, or what is -- when will  
16 that happen?

17 MR. MINNICK: Typically those types of  
18 fees are usually required before we issue the  
19 Building Permit. They can make arrangements with  
20 the individual School Districts to delay it, just  
21 like they can also do the same thing with the  
22 County, with the County impacts, I mean the  
23 particular project.

24 VICE CHAIR KELLEY: Thank you.

25 CHAIR PAZ: Commissioner Olmedo.

1           COMMISSIONER OLMEDO: From the earlier  
2 presentation, presenters in Panel 1 brought up a  
3 considerable amount of concerns. I did notice  
4 that the CEQA analysis for the State includes  
5 aesthetics and cultural forestry, air quality,  
6 biological resources, cultural resources, energy,  
7 geological soils, greenhouse gas emissions,  
8 hazards and hazardous materials, hydrology,  
9 water, land use planning, mineral resources,  
10 noise, population, housing, public services,  
11 recreation, transportation, travel, cultural  
12 resources, utility service systems, wildfire,  
13 mandatory findings, and I don't know if that's an  
14 exhaustive list or not.

15           I also heard from Lisa Belenky that there  
16 is no community input other than a couple of  
17 agencies or industry that had submitted comments.  
18 I also heard that I think -- was it limited to  
19 one newspaper for the EnergySource project -- and  
20 another county seeks to have authority over 99  
21 megawatts.

22           And I just wonder, it didn't seem to me  
23 like there's a lot of confidence in whether the  
24 county can expand or pay attention to a lot of  
25 these other concerns that clearly were not

1 considered. It just seems too different  
2 standards, the County Standard, the State  
3 Standard, I imagine Federal has different  
4 standards.

5 I would say we are looking to create the  
6 gold standard and out of all these standards,  
7 wouldn't we be trying to pull in, you know, the  
8 County seeks to do above 50 megawatts, wouldn't  
9 it be a good sign right now to start pulling in  
10 more, looking at more versus less?

11 Again, I just don't -- I cannot  
12 understand how a project has zero community  
13 input, it just doesn't make sense and I was  
14 wondering if enough was done, if there was  
15 translation in Spanish, if there were community  
16 meetings happening.

17 I'm not putting it on the County, I don't  
18 know if the Applicant is the one that needs to do  
19 that, or not. But I would assume that this stuff  
20 will have to be publicized in numerous media  
21 channels. Or is it that the County is just doing  
22 the bare minimum.

23 In a financial scale, any time that we're  
24 not considering all the environmental impacts,  
25 and full mitigation -- and I'm glad, you know, I

1 really appreciate the fact that the County does  
2 still have a higher level than municipalities of  
3 not bringing in -- not just stamping a overriding  
4 considerations, I was very pleased to hear that,  
5 say we have a higher standard in terms of those,  
6 but still seeing lower standard when it comes to  
7 State and the things that they're looking at.

8           What can the County do to build  
9 confidence -- and I'm not sure that's a question  
10 for you, Jim, necessarily, or is it the County  
11 Board? I mean, it wouldn't be unusual that --  
12 and only because we have, Comite Civivo have  
13 challenge in the past. CEQA processes that clear  
14 the process, clear the system, but then we find  
15 concern. I've known Lisa Belenky from years, you  
16 know, that she's been involved in similar  
17 scenarios where they file locally, or State, or  
18 Federal, but these projects are still getting  
19 through.

20           And the way that I interpret it is that  
21 we're trying to build the gold standard. What  
22 does that look like in modern day today, not 100-  
23 year-old policy that may have been designed to  
24 support the agricultural industry, for example,  
25 because it has been our major industry. How do

1 you update CEQA in local vulnerabilities,  
2 everything has to do with our ecosystem to assure  
3 that new projects in the specificity of Lithium  
4 and Geothermal are looking at those specifics,  
5 fence line communities, and all the other things  
6 that could potentially pose a threat, a harm,  
7 that could be avoided, could be mitigated. Every  
8 dollar, every -- you know, whether it's  
9 overriding or anything that gets through,  
10 somebody is going to have to pay the cost for  
11 that. And it just reminds me that because you  
12 mention now, as you were communicating with  
13 Commissioner Weisgall, that they do it so well,  
14 but we can't ignore the fact that industry still  
15 is given Notice of Violations and other things  
16 that, you know, may not be part of the CEQA  
17 process, but it could have been as a result of  
18 not catching it through the CEQA process and  
19 making sure that everything they're doing gets  
20 fully mitigated and the harm not transferred to  
21 the community.

22           Now, again, I've already got used to 20  
23 years of you either for or against. I'm not for  
24 or against, I mean, I'm for making sure that  
25 everybody is doing what they need to do, that's

1 all.

2 CHAIR PAZ: I see Jim Minnick, do you  
3 have --

4 MR. MINNICK: Yes. Luis, first, thank  
5 you for the higher standards compliment, I don't  
6 usually get that one and I appreciate it.

7 With regards to the total list of CEQA  
8 analysis, you're right, I didn't list them all,  
9 there are 20 actual categories, there's nearly 80  
10 questions that have to be answered with regards  
11 to a CEQA document.

12 We all have to comply with the same rules  
13 of CEQA, even the CEC does, unless they do the  
14 equivalence, which is their certified program  
15 which still has to match CEQA's concepts. So, we  
16 are all following -- if we're doing our job  
17 right, we're following the right process.

18 With regards to comments received, the  
19 jurisdiction can only work as good as they do  
20 with notifications. It's up to the individual  
21 and I have been on plenty of projects where the  
22 Center for Biological Diversity has commented.  
23 They did not comment on ATLiS. I can't force  
24 someone to comment if they don't want to.

25 That said, you asked a question about

1 public outreach. Typically, the County doesn't  
2 do public outreach on individual projects, that's  
3 usually the Applicant's job. But if the County  
4 is updating its Codes, then, yes, we do public  
5 outreach. So, the last time we did our elements  
6 for Geothermal, we had public outreach.

7           We always encourage the Applicants to do  
8 public outreach. In the case of ATLiS, they did  
9 reach out to the Chamber of Commerce of I think  
10 Niland and Calapatria area, they also reached out  
11 to job training facilities. Did they reach out  
12 to hold a public open house?, no, not that I know  
13 of. I checked with them today. But it's up to  
14 the Applicant to do that.

15           Normally in the north end, we do get  
16 Applicants that go to the Niland Chamber of  
17 Commerce and do presentations. So, I hope that  
18 helps answer the question.

19           But if there are other ways to get the  
20 word out, then by all means I'm open for it  
21 within the confines of the law.

22           COMMISSIONER OLMEDO: I have follow-up.  
23 So, I think I get a takeaway here and it's the  
24 importance of the industry, or the individual  
25 Applicant to do the outreach, and I'd like to

1 make sure that is a recommendation that is  
2 included into our report. I know that  
3 Commissioner Kelley did a great job with his  
4 appointed advisory on the north end, so I really  
5 appreciate that and the industry showing up and  
6 sharing their knowledge, expertise in the  
7 projects that they are doing.

8           Also, you know, we use this as an  
9 example, I'm not trying to necessarily make  
10 anyone feel bad, but for so long we keep hearing  
11 the emissions are just steam and condensation,  
12 there's nothing to see there. How is the  
13 community to really comment on something that is  
14 being sort of marketed to them as it's Mother  
15 Nature's gift to community and to people, there's  
16 nothing to see here. How does the community then  
17 -- what do they comment on? Is that the summary  
18 of the industry? Or are they databases,  
19 websites, information that the community can get  
20 a hold of to understand what exactly they're  
21 looking at? What does it mean to them and the  
22 communities, whether its Benzine, close  
23 proximity, or whether it's sort of the  
24 distribution of emissions in a certain direction,  
25 or trajectory? How does a community know what to



1 look at if they're having to compete with  
2 projects?

3           And I'm remembering another mining  
4 project that was being proposed in the Indian  
5 Pass and saying, "Oh, this is great, you know,  
6 for Salton Sea. There's nothing to see over  
7 here." And it kind of reminds me again, are we  
8 not to look at anything because it's Mother  
9 Nature's gift? Or is there something there to  
10 see and, if there is, where do you find it? And  
11 how does the public have a fair opportunity to be  
12 able to look at this information and make sense  
13 of it, or if it's a community that is  
14 disadvantaged really going to have to pull their  
15 money together to find a CEQA attorney like Lisa,  
16 or academics and researchers, like those that  
17 presented today, to be able to level the playing  
18 field? How do you do that in a disadvantaged  
19 community? Because historically we know that it  
20 is communities of low income, communities of  
21 color, disadvantaged, you know, there's plenty of  
22 research and data out there that says, well, this  
23 is a great location to go out there and build,  
24 and not necessarily having to pay the cost of the  
25 socioeconomic impact and environmental impacts.

1 So, I just wanted -- you know, I'm not throwing  
2 it all at you, Jim, but I was just kind of  
3 thinking that I hope these are all captured into  
4 our report and what is the solution to all of  
5 that so that we end up with the gold standard  
6 industry I would hope would be replicated across  
7 this nation to other industries?

8 CHAIR PAZ: Jim? Did you have your hand  
9 up? Or is that from the last time?

10 MR. MINNICK: That's from the last time,  
11 but I can talk for a moment if you want. You  
12 know, Luis, one of the reasons why we go after a  
13 third-party review is to make sure that the  
14 analysis is done impartially and is done by  
15 experts.

16 The EIR and all of its supplement  
17 documents, it's a lot to take in, but the  
18 information to the best of the ability that the  
19 County can find is there. The reason why you  
20 have people like the Center for Biological  
21 Diversity, or Sierra Club, or even some of the  
22 Unions, is to challenge that information, to look  
23 at it to make sure that what the County is  
24 putting out there is accurate information.

25 But we do use the best people that we can

1 for who we can get. That's why we don't rely on  
2 the Applicant. Other jurisdictions allow  
3 Applicants to prepare their Environmental  
4 Document. We don't do that; we have never done  
5 that. And we will not do that. We make sure  
6 that we do it as a third party. And so that's  
7 the only assurance I can give you is that we work  
8 really hard to make sure we have experts looking  
9 at these projects.

10           At the end of the day, it's important to  
11 understand, too, that a CEQA document is only a  
12 tool; it's up to the decision-makers to determine  
13 whether a project should be approved. CEQA  
14 cannot approve or deny a project, I can't stress  
15 that enough. It is your elected officials that  
16 also may decide whether that project is to go  
17 forward.

18           CHAIR PAZ: Thank you, Jim. I have a  
19 couple of questions and maybe this will expand a  
20 little bit on Luis's comments about the number of  
21 people or public comment that was received in  
22 this one project.

23           We talked about the Notices, and you  
24 mentioned that there's notice given to  
25 landowners, and then like in the newspapers you

1 will publish the notice.

2           But when we're talking about these  
3 Lithium projects, I mean, most of the land is  
4 either agricultural surrounding or it, you know,  
5 it looks empty, and I'm sure it's owned by  
6 someone.

7           But I think if we only focus in notifying  
8 the landowners next to the plants, then we're  
9 probably not reaching the vast majority of the  
10 population, and I'm wondering if there is a way  
11 in which the communities in proximity could be  
12 notified so the residents who live in Niland, for  
13 example, the residents who live in Calipatria,  
14 even though that's not part -- and not just  
15 through the newspaper hoping that they're going to  
16 read it, but if there's any other ways. Or what  
17 would it take, right, to do that?

18           MR. MINNICK: Well, for large projects,  
19 first of all, we do notify the community, like  
20 the community of Niland, we don't do a direct  
21 mail to them, okay, but we would notify the  
22 Chamber of Commerce. Projects we could post  
23 signs or flyers that notify their hearings are  
24 coming up. Things like that do happen on  
25 projects; not every project, it depends on the

1 level of the project.

2           But based on what the Regulations are, we  
3 also put it on our website. If you are a group  
4 that want to be notified of all their Agendas, we  
5 can send those out, as well. We can email those  
6 out to everybody. We have certain people, like  
7 for a long time the Sierra Club wanted a list of  
8 all projects that came through and every time  
9 there would be any type of notification, they  
10 wanted to be a part of it.

11           Luis, your group can put that request  
12 into us and every year renew it, and we'll send  
13 you a copy of every agenda that we have, every  
14 public hearing that comes up. But based on the  
15 Regulations under the California Rules, we are  
16 adhering to that and/or going beyond that.

17           CHAIR PAZ: Okay, thank you. And I  
18 appreciate that. I'm just sort of elevating the  
19 fact that the Regulations can be the floor,  
20 right, and how can we get creative so that we're  
21 hitting the regular, the average person, not  
22 someone who has a business and then would hear it  
23 from the Chamber of Commerce, for example.

24           And, I mean, the nonprofits who sign up  
25 are probably going to do a great job, but just to

1 put it out for consideration is how might we  
2 create processes that really reach the average  
3 person or resident near the communities. And  
4 what would it take, right? Because I know  
5 everything takes resources and time.

6           The other question that I have is with  
7 the CEQA. So, you mentioned that the first sort  
8 of step is the determination process and it can  
9 result in either a no significant impact  
10 determination, or something else that I missed,  
11 and then depending on what the determination is,  
12 it would trigger an EIR. Is that -- did I  
13 understand that correctly?

14           MR. MINNICK: Yes. All CEQA outcomes are  
15 one of three, a Negative Declaration, which  
16 sounds bad, but it actually is good because  
17 government does weird stuff with words, but a  
18 Negative Declaration means that the project has  
19 no impacts.

20           Let's say you take an 80-acre parcel and  
21 divide it into two pieces for farming purposes,  
22 that's called a subdivision. That subdivision  
23 would most like have no impact because all you're  
24 doing is basically drawing a line, an imaginary  
25 line in between two things.

1           A project that may have some impact,  
2 which is the middle level of an Environmental  
3 Document, it's called a Mitigated Negative  
4 Declaration, and what that means is there were  
5 impacts, but they were mitigated. So, example,  
6 there were some slight traffic issues, but if you  
7 do a turn lane and a diesel lane, that mitigates  
8 the impact. It reduces it to less than  
9 significant.

10           One of the things we didn't get into  
11 because it's pretty complicated, and maybe if you  
12 invite me back, we can walk through it, is how  
13 the environmental checklist under Appendix G of  
14 the State Code is set up. Every one of these, we  
15 mentioned a minute ago that there were 20  
16 categories; each category has anywhere from two  
17 to 10 questions. Each question has four  
18 outcomes.

19           The question is will this project -- say  
20 it's a hydrology one -- would this project have  
21 an adverse effect on hydrology in the area? And  
22 the check box is no impact, less than significant  
23 impact, potentially significant unless mitigation  
24 is incorporated, and potentially significant  
25 impact.

1            Depending on the checklist, depends on  
2 how much more analysis happens. So, if it's in  
3 the no impact, or less than significant impact,  
4 you explain why you've made that decision, you  
5 have to answer every question in a checklist. If  
6 it's potentially significant unless mitigation is  
7 incorporated, you have to provide the mitigation  
8 measure. Not all mitigation measures require  
9 studies, some of them are pretty standard things,  
10 but they still require an impact to be resolved.

11            And then if it's in the check box that  
12 says potentially significant impact, it means we  
13 at this level don't know if there's an impact and  
14 a study must be prepared, so we'll go back to the  
15 traffic one.

16            This happens to be a project that has 80  
17 truck trips. The Public Works says that's a  
18 small road, we don't know what impacts are going  
19 to be on the adjacent road, or five miles down  
20 the road impacts to intersections. So therefore,  
21 they say, look, that's a potentially significant  
22 impact, we need a traffic study to be prepared.  
23 The traffic study has to be prepared before the  
24 CEQA document can be circulated. So that's where  
25 an EIR comes into hand. If you have a traffic



1 study that's required, an air study that's  
2 required, a biological study because it happens  
3 to on the Playa, you know, as opposed to  
4 disturbed farmland that you probably wouldn't  
5 have something, right? Those categories require  
6 those additional studies.

7           So, when I was talking about the three  
8 outcomes, it really depends on the nature of the  
9 project. And keep in mind, under CEQA, the  
10 definition of a project is not the same as what  
11 you and I recall of a project. Like, you know, I  
12 might call our house a project, CEQA doesn't call  
13 that a project. CEQA identifies projects as  
14 actions that require discretionary approval,  
15 actions that require funding from the state or  
16 the Federal Government. Other than that, it's  
17 not a CEQA analysis. It doesn't require  
18 discretionary action.

19           With a permitted use, for example, again  
20 you live in a single-family residential property,  
21 you're allowed to build a single-family home.  
22 Other than that, it's not a CEQA analysis,  
23 doesn't require discretionary action. So, with a  
24 permitted use, for example, again you live in a  
25 single-family residential property, you're

1 allowed to build a single-family home. There is  
2 no discretion, that's a Building Permit. Your  
3 neighbor may not like the fact that you've built  
4 a greenhouse with a blue tile roof, but you're  
5 allowed to do that.

6           Conversely, you want to build an  
7 apartment complex on that zone, it may require a  
8 rezoning on that parcel. It could require a  
9 rezoning of the parcel from single-family to  
10 multi-family, that requires a CEQA analysis.

11           CHAIR PAZ: Thank you. Thank you for  
12 that clarification. So, my next question is  
13 maybe for you and Eric.

14           When you are going through the CEQA  
15 process and you're considering the determination  
16 whether it's -- or the declaration -- whether  
17 it's negative, mitigated, or not, are you looking  
18 at the cumulative sort of impact of whatever item  
19 you're doing the analysis on? Or are you just  
20 looking at it independently for the project?

21           MR. MINNICK: Eric, do you want --

22           MR. KNIGHT: Oh, sure. I can go first.  
23 Yeah, CEQA requires you to look at all three  
24 impacts, right, direct, indirect, and cumulative.  
25 So, it would be cumulative as well. Yes.

1 CHAIR PAZ: Thank you.

2 MR. MINNICK: He did a great job; I don't  
3 need to comment.

4 CHAIR PAZ: All right, thanks. Luis, do  
5 you have a question?

6 COMMISSIONR OLMEDO: Earlier it was  
7 brought up about the enforcement. I think I  
8 might have seen it in one of the comments, and it  
9 just reminded that firsthand, I mean, I've lived  
10 in the Imperial Valley the majority of my life  
11 and I know that Commissioner Kelley has, just to  
12 name a couple from the Commission itself. Unless  
13 some of you may have roots or have at one point  
14 lived here, I first-hand have seen just, I don't  
15 know, a couple miles from here from my office  
16 where we have blown -- I don't know how to call  
17 it, you know, where you have a geyser just  
18 shooting up into the air, and I don't know if  
19 that's brine, or exactly what it is, and I recall  
20 at that time it was DOGGR, and I know it's CalGEM  
21 now, they didn't know what to do with it. I said  
22 we've never had an issue to find on geothermal, I  
23 don't know what to do with it.

24 Is the CEC and every other entity that  
25 regulates this industry ready to regulate

1 Geothermal? Because I think that was part of the  
2 advice that was given by the first panel, you  
3 know, to make sure that you're able to hold these  
4 not only agreements, community agreements, but  
5 also mitigation and all these things, because  
6 they're going to cost somebody something. I  
7 remember that geyser was just, I don't know if it  
8 was steam, or brine, or whatever that was, onto  
9 an agricultural field. So, what does that mean  
10 to that land there?

11 I didn't remember if there was ever a  
12 violations issue on that. I mean, accidents  
13 happen, but again, just kind of getting the  
14 behind the scenes log as to you have an entity  
15 that regulates it but doesn't know how to issue  
16 fines.

17 And then we had another situation out  
18 here where we actually had an Environmental  
19 Justice tour and a bus full of EPA and CalEPA  
20 folks in a Coupa (phonetic) Bus. I mean, Coupa  
21 Inspectors. And there was -- I think it might  
22 have been one of the Berkshire facilities, and  
23 CalEnergy, and they do happen to be doing a  
24 annual or biannual breakdown service, whatever  
25 that's called, and Coupa (phonetic) went in there

1 and said we ran out of paper, I don't know if  
2 these agents had one sheet, or they had a whole  
3 book, but I know they had to go back and bring  
4 more paper for NOV's.

5           And so that just happened because we were  
6 doing an Environmental Justice bus tour at the  
7 time and it was at the time, I don't remember if  
8 it was Dale Filter, he used to be the only  
9 Environmental Prosecutor that has worked in the  
10 Imperial County as an official environmental  
11 prosecutor, the only one. And he at that time  
12 was the Department of Toxics, I think Director of  
13 Enforcement and Emergency Response, and he was on  
14 the bus, and I said, "What is that? What's going  
15 on here?" And there's Inspectors Coupa  
16 (Phonetic) goes in there. And that happens.

17           And then the next major thing that we  
18 hear is, again, a facility that operated for  
19 seven years without and they said he'd hold me to  
20 this, but without the proper emissions control.  
21 Whether it was a switch or whether it was a fan,  
22 or whatever it was, seven years, and I recall  
23 that at the State level and Federal level, like  
24 what's going on with the County? I mean, they're  
25 issuing like this tiny little assessment where it

1 should have been maybe --

2 CHAIR PAZ: Commissioner Olmedo, sorry to  
3 interrupt you, but do you want to like to  
4 rephrase the question and I think maybe Ryan  
5 might have an answer, or we can also let Eric.  
6 Do you want to re-emphasize your question so that  
7 it can be answered?

8 COMMISSIONER OLMEDO: Right. I mean,  
9 again, I'm looking for answers to that and how do  
10 we avoid these scenarios? All of that costs the  
11 community a financial strain, a health strain, an  
12 ecological strain. I mean, look at the Salton  
13 Sea. That's what happens when we don't take care  
14 of these issues in a proactive manner.

15 So how do we address that and how can the  
16 Commission put forth recommendations to assure  
17 that? But it seems that, you know, it certainly  
18 -- things are happening right now, projects are  
19 being permitted right now, and this industry has  
20 been existing here, at least in the geothermal  
21 matter for decades, so how -- actually, I would  
22 welcome advice -- how do we fix that and how do  
23 we make it better? How do we get to the gold  
24 standard? And how do we transition from, let's  
25 say, a dirtier energy source to a cleaner energy

1 source, but get it to a point where it's clean  
2 and we're not passing the burden from one  
3 community to another?

4 CHAIR PAZ: Thank you. Good  
5 conversations. I'll let Ryan and Jonathan have  
6 the final word during this, not for the whole  
7 topic, so that we can go onto public comments.  
8 But Ryan and then Jonathan.

9 VICE CHAIR RYAN: So, Silvia, not to take  
10 away anything that has been discussed about  
11 permitting, but I did have an item that I wanted  
12 to have discussed today and asked for it to be on  
13 the agenda. It's on at the end of the agenda and  
14 it's 4:40, or 4:30, so please for my own peace of  
15 mind, if we could get to that?

16 CHAIR PAZ: Let's move on to that, then.  
17 Jonathan.

18 COMMISSIONER WEISGALL: I'll be 30  
19 seconds. I think one way to get to the gold  
20 standard is to make sure that you're dealing with  
21 companies that have a high level of integrity.  
22 The problem that Luis mentioned involved a slate  
23 angle on a blade in one of their turbines. We  
24 discovered the problem. We self-reported and  
25 repaid the fine. I think that that's one example

1 of how you work with the gold standard. Thanks  
2 very much.

3 CHAIR PAZ: Thank you. Well, thank you  
4 everybody. We'll go to public comments on this  
5 workshop. Erica.

6 MS. LOZA: Yes. If you are joining us by  
7 Zoom on your computer, please use the raised hand  
8 feature. If you've called in, please dial \*9 to  
9 raise your hand and \*6 to unmute your phone line.  
10 And we'll first go to John Hernandez. You are  
11 now able to unmute yourself. John Hernandez?  
12 Okay, I guess we'll wait. I'll go through the  
13 comments now and then see if John pops up again.

14 So, the first comment is from Anonymous,  
15 and it says: "There is a need for State Policy  
16 to be in place that outlines how the industry  
17 will pay for any unintended or unaccounted long  
18 term negative impacts in the Salton Sea region,  
19 like disadvantaged areas."

20 The next comment is from James Blair, and  
21 he says: "Grateful for these nuanced presentations and  
22 appreciate the emphasis on principles of Environmental  
23 Justice. Community Benefit Agreements may help  
24 redistribute resource wealth for greater public good.  
25 However, they can also lead to state abandonment and the



1 absence of regulation, transparency, and monitoring. It  
2 is exciting to think big, but engagement and  
3 participation needs to remain a priority on all levels,  
4 and environmental governance should not all be relegated  
5 to the private sector or behind closed doors. Here is a  
6 relevant article on impact and benefit agreements that  
7 offers some critiques to better understand how to avoid  
8 these problems in other mining projects (happy to share  
9 the pdf.)" And he attached a link to the PDF article,  
10 "Staking Claims and Shaking Hands: Impact and Benefit  
11 Agreements as a Technology of Government in the Mining  
12 Sector."

13           Okay, the next comment is Michael Garabedian.  
14 And it says: "Question for the Energy Commission: What  
15 are procedures after finalization of the CEC permit  
16 process in the event of violations, less than expected  
17 energy output, unanticipated outcomes or events,  
18 inability to meet CEQA mitigation requirements, and so  
19 on?"

20           The next comment is from Anonymous, and it  
21 says" "Mr. Minnick, could you please re-share the dates  
22 for the CTR project? It went a little too fast for me to  
23 jot down."

24           The next comment is from Tom Sephton, and it  
25 says: "Question for Lisa Belenky: Your maps showed a

1 biological area of concern immediately around the Salton  
2 Sea including the Salton Sea KGRA. I think it was  
3 labelled as 'Unusual Plant Assemblages,' or something like  
4 that. Can you comment on what critical species are in  
5 that zone and what impacts to those species need to be  
6 considered when projects are developed?"

7           And the last comment is from Michael  
8 Garabedian, sorry if I mispronounced your last name, but  
9 it says: "As I understand it, Imperial County has not  
10 made a finding and statement of Overriding Considerations  
11 that a project has unavoidable significant environmental  
12 damage that is acceptable. Do you know how your county  
13 does this, while other counties make overriding  
14 considerations all the time? (Perhaps you have  
15 experience in another local government that does  
16 overriding considerations.)"

17           Okay, and checking the hands on Attendees and I  
18 don't see anymore hands raised. So back to you, Chair  
19 Paz. You're on mute.

20           CHAIR PAZ: Thank you. So, this next item is  
21 just a final note for the Commissioners if there were any  
22 future environmental impacts workshop topics that we  
23 still haven't addressed. If anyone speaks, I will time  
24 you to one minute so we can move forward. I do not see

1 any hands up. And we will move on to -- next slide --  
2 public comment.

3 MS. LOZA: If you are joining us by Zoom on the  
4 computer, please use the raised hand feature. If you  
5 have called in, please dial \*9 to raise your hand and \*6  
6 to unmute your phone line. I see a hand from John  
7 Hernandez. You are allowed to unmute yourself.

8 MS. DE JONG: If John Hernandez is having  
9 difficulty with audio, or just being able to verbally  
10 give a comment, please consider typing one into the Q&A  
11 and we'll read it during the next public comment period.

12 CHAIR PAZ: Thank you.

13 MS. LOZA: Thank you. The next hand raised is  
14 from Tom Sephton. You should be able to unmute yourself.

15 MR. SEPHTON: Hello and thank you. There was a  
16 question raised just recently about the statement of  
17 overriding considerations. It's very interesting to hear  
18 from Jim Minnick and formidable, I think, as Imperial  
19 County has not used a Statement of Overriding  
20 Considerations. And I'd like to hear how the County has  
21 succeeded in doing that.

22 There's a very significant local example of a  
23 different local agency using that Statement of Overriding  
24 Considerations for the Imperial Irrigation District when  
25 they approved the CEQA for the transfer of water from

1 this region to San Diego and Coachella Valley, used the  
2 Statement of Overriding Considerations to essentially  
3 negate the very significant impact from shrinking the  
4 Salton Sea by transferring that water and creating a very  
5 big challenge of dust. They essentially said, well, we  
6 know there's a problem, we don't know how big it is, we  
7 don't know how to mitigate it, but we're going to use the  
8 Overriding Consideration that the Imperial Irrigation  
9 District is going to make a huge amount of money off of  
10 selling the water to override the massive environmental  
11 damage that's being done. And they were all having to  
12 talk about mitigating that damage, you know, 18 years  
13 later.

14           So, I'd like to hear from Jim Minnick how the  
15 Imperial County has done a better job in protecting the  
16 public from those kinds of things.

17           MR. MINNICK: Okay, I can't speak for the --

18           CHAIR PAZ: Jim, for the purpose of timing,  
19 maybe if you can do a written response that can be  
20 docketed, and that the CEC can help get to Tom if that's  
21 okay. That way we can get moving on the agenda.

22           MR. MINNICK: Okay.

23           CHAIR PAZ: Thank you. Erica.

24           MS. LOZA: That was the last.

1 CHAIR PAZ: Perfect. So, this will probably be  
2 the last item and then anything that we didn't get to,  
3 we're going to find a way to get to it at the next  
4 meeting or see how we can get it done in between.

5 But I do want us to give all of our attention  
6 and time to the presentation from the Imperial County,  
7 who is going to be presenting their Lithium Economic  
8 Opportunity Investment Plan.

9 We all received the presentation and the  
10 documents, so I do hope that everyone took the time to  
11 review and is ready to have a conversation on this topic.  
12 But Ryan, I'll hand it over to you.

13 VICE CHAIR KELLEY: In the interest of time,  
14 I'll be brief. So, Commissioner Soto's remarks are very  
15 welcomed at the beginning of this meeting and  
16 unfortunately, we don't have enough time to go into  
17 depth.

18 Imperial County did put together an Investment  
19 Plan for Lithium Valley and it is in the docket, and I  
20 hope that you can review it and, to be specific, we're  
21 asking for delegation of permitting authority. It  
22 started out at 99, but it may go higher for gross  
23 megawatts.

24 We're asking for support and funding of a  
25 Lithium Valley specific plan and Programmatic

1 Environmental Impact Report for the impact area of  
2 development. We are also asking for a Lithium Valley  
3 Development Office from the State and Federal Government  
4 to help us with shepherding the new development through  
5 County processes and also to recruit, as Commissioner  
6 Soto was talking about, of establishing that supply chain  
7 and value added happening here in Imperial Valley.

8           We are asking for Federal and State support on  
9 an infrastructure build out of roads, bridges, rail, and  
10 air. And we are already making investments in those  
11 infrastructure improvements.

12           We are asking for the creation of a severance  
13 tax, a resource levee on critical minerals. And either  
14 in coordination with the State or through a local  
15 initiative with our voters, we propose to bring that  
16 forward.

17           And then we are advocating for a focused higher  
18 education facility in Imperial County with the ultimate  
19 goal of having a four-year standalone university. But we  
20 do have San Diego State, it has property undeveloped with  
21 potential for STEM and additional disciplines that would  
22 support Lithium Valley and in coordination with industry  
23 in our communities to be a focus area for the new Lithium  
24 Valley.

1           So, at that point, I will take any questions in  
2 the time that we have and I would also ask you, if you  
3 are interested and would support this, please send us a  
4 letter of support and we will go forward in seeking  
5 assistance from the State and Federal Government.

6           CHAIR PAZ: Thank you, Ryan. And we were  
7 planning to go until after 5:00 or 5:15, so don't feel  
8 that we need to be rushed or that we need to end right at  
9 five.

10           I do have a question just for context setting  
11 and then I'll call on Commissioner Castaneda.

12           But for one of the requests where you are  
13 requesting the State to allow the permitting from 49 up  
14 to 99 or 100? Right?

15           VICE CHAIR KELLEY: It was originally a request  
16 from 49 to 99 and we've had conversations about some of  
17 the current statutes and rulings that allow something to  
18 happen on the current sites, I mean, adding energy  
19 generation on the current sites.

20           The new development with mineral extraction  
21 attached, having campus load, so we're talking about a  
22 gross of somewhere over 100, maybe to 150, that would  
23 allow if you had co-located industry for cathode battery  
24 manufacturing with geothermal and mineral extraction, but

1 that energy, that renewable energy from geothermal, could  
2 be used without reeling fees in a campus area.

3 CHAIR PAZ: So, when -- I think you might have  
4 answered my question, but just to make sure, do you  
5 anticipate that for future projects they would be coming  
6 in at a greater capacity, maybe like 100 megawatts or  
7 above --

8 VICE CHAIR KELLEY: Sure.

9 CHAIR PAZ: -- which like in the presentation  
10 earlier we saw that most of the projects went through the  
11 County because they were like at 49 or under.

12 VICE CHAIR KELLEY: Right.

13 CHAIR PAZ: So, is there -- I mean, what sort  
14 of guiding -- what's the need?

15 VICE CHAIR KELLEY: So right now, Silvia, every  
16 energy plant that we have in the Valley that's at 49.99 -  
17 - except for maybe some of the Ormat plants, they are  
18 generating more than 49.99. But there's a thing called  
19 parasitic load and they have to use energy on their own  
20 energy facility, and so that doesn't count against them.

21 We'd like to expand that to be able to say, "If  
22 you are going to be doing a project for cathode  
23 manufacturing next to geothermal and mineral extraction,  
24 that that wouldn't count against them for transmission."

25 So that's the change between a 49 net or a 99



1 net to 120, gross. And we heard that from industry.  
2 They all supported that idea, and the Energy Commission  
3 has been listening to it.

4 CHAIR PAZ: And this understanding, I mean, I  
5 know the Energy Commission is going through their process  
6 for streamlining, how is what they're trying to do sort  
7 of incompatible, maybe, or it makes it more difficult for  
8 the things that are happening on the ground?

9 VICE CHAIR KELLEY: So, this conversation has  
10 been going on for a while, and everything that is in the  
11 queue right now is still at that 49.99 stage. But we  
12 know that, say, CalEnergy has the idea and has in the  
13 past presented a Black Rock project that's over 100  
14 megawatts, and gone through the Energy Commission. And  
15 CTR is proposing a Phase II that's over 100 megawatts of  
16 energy.

17 So that's where the request is focusing. We  
18 are saying the 99.9, but that would be net to grid, but  
19 they would still be producing more than 99.9. Now we're  
20 changing it to say a gross amount that they would be able  
21 to use in a campus.

22 CHAIR PAZ: Thank you. Steve Castaneda.

23 COMMISSIONER CASTANEDA: All right. Thank you,  
24 Madam Chair. And, you know, I mean, again the issue  
25 relative to increasing megawatt production that would be

1 subject to only local control is -- is a big issue. But  
2 I think it's an important issue to be talked about.

3 I think what the Supervisor is talking about,  
4 and obviously the County, I read the document that the  
5 County is supporting this. I think it's a huge step  
6 forward and I think that in many ways now, you know, I  
7 may not agree with everything, every element of it, or I  
8 don't know that everybody will; but the bottom line is  
9 that, you know, in the year that I've been involved in  
10 this group we've talked about a lot of issues. And the  
11 lion share of those issues has all been local issues,  
12 whether it's Environmental Justice, whether it's Economic  
13 Development, and so forth and so on.

14 And really, I think what the County is trying  
15 to do is to create a system, a structure that basically  
16 takes into consideration all of the issues well beyond  
17 just recovery, and basically moving in the right  
18 direction because we've heard about the number of jobs  
19 that simply will be created through generation and  
20 recovery.

21 And while that's significant, I don't believe  
22 -- and again, I'm not an economic development expert --  
23 but I don't believe that they're significant enough to  
24 basically right the wrongs or to turn the corner with  
25 respect to the kind of environment and the kind of

1 community that the folks in Imperial County want and they  
2 deserve.

3 I think this is in the right direction. A lot  
4 of these things are very very significant, they'll take a  
5 long time, but every journey starts with the first step  
6 and, Supervisor, whatever I can do in whatever small way,  
7 I support it and, you know, I'd love to write a letter or  
8 vote for it on this level, or whatever else it is.

9 So, thank you for doing that and thank your  
10 colleagues, too, I think it's an important step.

11 CHAIR PAZ: Thank you. Commissioner Olmedo.

12 COMMISSIONER OLMEDO: And Commissioner Kelley  
13 knows that, you know, from an Environmental Justice  
14 perspective, I mean, not just work on Environmental  
15 Justice, but addressing the many vulnerabilities,  
16 disadvantages, social determinants that exist here,  
17 whether it's health, environment, economics, all of it.  
18 So definitely a big proponent of the opportunity to our  
19 region.

20 The Environmental Justice lens looks at making  
21 sure that the cost, that it's at what cost, and while I  
22 support economic development, I also support equity and  
23 justice in our community. And quite frankly, our  
24 community has not been, or our government has not done  
25 its part to making sure it protects imbalances, the

1 environment protection, the public health protection, and  
2 equitably distributes the resources.

3           So, we are living at a time that -- and earlier  
4 I thought I heard Jon, but he often uses the term very  
5 famously known as fool me once, shame on you; fool me  
6 twice, shame on me. And I think we're already at that  
7 point where it's been like shame on me multiple times.

8           So, I definitely am 100 percent in support of  
9 bringing the opportunity here and making sure that we  
10 calculate what those costs are going to be, how is  
11 everything going to get mitigated, how are we going to  
12 make sure that we create community benefit, how are we  
13 going to make sure that the public's patrimony, the  
14 public resource, doesn't just go to one channel.

15           You know, I've heard the IID that the resource  
16 goes to water. Well, we know that IID considers water as  
17 a resource for industry, so when -- at what point does  
18 the community win? At what point, Commissioner Kelley,  
19 does the North end, which is the blighted area, the front  
20 line, fence line community, when does your district win?

21           And so, I am in support of looking for the best  
22 path forward. I couldn't tell you at this very moment as  
23 it stands, I think we can very much support a lot of  
24 those elements, you know, we'll have to think very  
25 thoughtfully and very carefully, it might also mean that

1 we not just as a Commission, maybe there's a way to sort  
2 of support a majority of those things, or find a way to  
3 update -- and I know you've been very willing. I've seen  
4 you constantly trying to pull everyone together, and I  
5 appreciate that about you.

6           So, I'm just looking for a best path forward,  
7 but I think this a great opportunity for the County to  
8 update its 100-year policies, not those that are being  
9 forced to by State and Federal law that says, "you have  
10 to do this," but it's local policies too.

11           I mean, I just saw in the newspaper how there's  
12 this -- and I think you might have stood on the right  
13 side of history, you know, right the wrongs of the past,  
14 but we still have this added benefit that is not very  
15 clear. And if I read correctly, also Supervisor, Board  
16 Chair Escobar raising questions about whether it's going  
17 to the right people, right?

18           So definitely I don't operate alone, we have  
19 many Environmental Justice community CBOs that I rely on  
20 to help inform and help set the path forward. But you  
21 know, Environmental Justice isn't just the law saying,  
22 hey, just protect this one thing. No, it's about the  
23 people that lives here, making sure our ecosystem and our  
24 economy and the opportunities are equitably distributed

1 and also making sure that both the local and regional  
2 opportunities are there.

3           So that's -- I hope that that's a satisfied  
4 answer, you know, that I'm very much on board with many  
5 of those things.

6           CHAIR PAZ: Any other questions or comments?  
7 So, I'm pretty much also in a similar mind as Luis, that  
8 there are elements here that I saw, that I could say yes.  
9 I mean, that four-year university, yes, let's get it  
10 done. Investments in workforce, let's get it done.

11           There are some things, and that's why I was  
12 trying just to wrap my head around like what is the need  
13 or the context behind that request for the permitting up  
14 to like 100 or above. And I have another question around  
15 that, which is why -- I mean, there's got to be a reason  
16 and sometimes reasons are just artificially, you know,  
17 someone decided 49 was -- and who knows why? But what is  
18 it about going to the County for permitting versus going  
19 to the State? Like why is one favorable over the other?

20           VICE CHAIR KELLEY: So, for all those people  
21 that are a part of the Energy Commission, no offense  
22 before I say any of this, but the CalEnergy in the past  
23 did go through the Energy Commission for permitting of  
24 Black Rock. And it went through twice. I wasn't  
25 involved, I knew about it when it was happening, but the

1 information that we got back from industry was that it  
2 was over a two-year process. I believe it did eventually  
3 get permitted, but then they didn't act on it, and they  
4 went back again. They tried to split the project and do  
5 it into a multiple 49.9 megawatts plan. So, the economy  
6 of scale, the investment opportunity starting at the  
7 geothermal is not easy, there's a lot more investments  
8 than taking over land and putting solar or wind.

9           So, we're trying to balance in what you see  
10 before you are being proactive about the opportunities of  
11 balancing what our community needs and what industry  
12 needs, and hopefully finding the line that was going to  
13 benefit all. I think Mr. Minnick could probably talk  
14 more about what happened with Black Rock, but we also  
15 know that CTR has a Phase II that's over 100 megawatts.

16           And this idea of being able to co-locate other  
17 industries, that's the other -- the thing that we're not  
18 really talking about of, yeah, we could probably do  
19 Lithium as EnergySource spoke last night in Niland,  
20 they're gonna do it. And they're going to go after  
21 Manganese and Zinc, too.

22           But at the end of the day, if that's all we're  
23 going to get from this, and this opportunity, then we're  
24 really missing the writing on the wall. Jim will tell  
25 you about Black Rock.

1 CHAIR PAZ: Yeah, no, I mean, if I summarized  
2 it, it's just efficiencies that are needed just based on  
3 that example. Steve Castaneda.

4 COMMISSIONER CASTANEDA: Well, I just wanted to  
5 add and, Silvia, you had raised the issue of what is the  
6 context and what is sort of the argument that would  
7 support increasing permitting and regulatory from the  
8 local entities.

9 And I served on the Chula Vista City Council  
10 for eight years, I served as a Planning Commissioner for  
11 eight years. And much of that time as Planning  
12 Commissioner, it was during the energy crisis of 2000  
13 that saw a Governor recalled. And many people argued  
14 that deregulation had something to do with that.

15 And basically, there was an action by the State  
16 in which they were just allowing peaker plants to be  
17 permitted. And many of these were in areas that were  
18 right next to homes. And what we found was, in trying to  
19 advocate for our community as a local body, both at the  
20 Planning Commission and when I was at the City Council --  
21 and again, as the Supervisor said, no offense to anybody,  
22 you know, but you're not going to get the same kind of  
23 focus, the same kind of concern, the same kind of  
24 attention, because I'll tell you as a City Councilmember,  
25 when we were debating whether or not a 50-megawatt peaker



1 plant was going into a particular part of town, you know,  
2 going to the grocery store because it had been in the  
3 newspapers and so forth, I got called out by some people  
4 that weren't really happy about my perspective. And  
5 that's just not going to happen if you have people in  
6 Sacramento that are making those calls.

7           And I'm not saying that, you know, and it's not  
8 just a situation where the local government makes those  
9 calls in a vacuum. Believe me, the CEC is involved.  
10 Their experts are involved and so forth.

11           But to streamline the process and to do such in  
12 a -- and I think in a reflective way, in a way that is  
13 much more responsive to the local community is extremely  
14 important. And as Supervisor Kelley talked about, the  
15 dynamic of off-grid basically distribution in a campus-  
16 type setting, is incredibly important because of the  
17 economies that are involved.

18           So, I think that this really needs to be  
19 seriously looked at. And again, I'm not a complete  
20 advocate because I know that sometimes local government  
21 isn't as responsive as it should be, but you know the  
22 bottom line is that every two to four years you can go  
23 into that Ballot box or your mailbox and get rid of the  
24 person that's basically casting bad votes or supporting  
25 bad initiatives; you can't do that with appointed folks

1 in Sacramento. And again, nothing of offense to CEC  
2 folks because they're our hosts here, but it's just the  
3 way that it works, it's just human nature. So, I had to  
4 add that. Thank you.

5 CHAIR PAZ: Thank you. Eric Knight.

6 MR. KNIGHT: I don't take any offense. I just  
7 wanted to correct, Supervisor Kelley, I heard you say  
8 that it was two years for Salton Sea and it's six for the  
9 Energy Commission to license it. I quickly went back to  
10 the Docket log, and it looks like that Application was  
11 filed with the Energy Commission in July of 2002.

12 And like Jim Minnick mentioned earlier, there's  
13 a completeness review that you do, right? And it looks  
14 like the Application was accepted as complete in  
15 September of 2002, and a decision was rendered in  
16 December of 2003. So, it's a little over a year, not two  
17 -- not to say that projects before the Energy Commission  
18 have not taken that long. I mean, often times there's  
19 complicated issues to resolve. Projects change mid-  
20 stream, but usually for the better, and that kind of  
21 resets the clock.

22 And I would just say that the Energy  
23 Commission, yes, we are in Sacramento, but when we hold  
24 the informational hearing, which is the event I said  
25 starts the Application for Certification process, it's

1 the first opportunity for our Energy Commissioners to  
2 introduce themselves and the Applicant to introduce the  
3 project, that event is held in the project location in  
4 the community. And there's generally a site visit that's  
5 involved, like a bus tour will take the public to the  
6 site.

7           We routinely would hold workshops in the local  
8 jurisdiction, you know, I mean in the area of the  
9 project, wherever the best place would hold it that would  
10 accommodate the public participation. And we would do  
11 the same thing that Jim mentioned that we would hold  
12 afternoon session, an evening session to ensure that we  
13 get the most public involvement we can. And we work very  
14 closely with our Public Advisor's Office. So, I just  
15 wanted to make those remarks. Thank you.

16           CHAIR PAZ: Thank you. Commissioner Olmedo.

17           COMMISSIONER OLMEDO: Yeah, I just had two,  
18 points. You know, I'd like -- you know, there's the  
19 possibility of getting the -- which we can do, you know,  
20 get the community support, community CBOs to support  
21 those things that we feel pretty strongly and support the  
22 county. I think I'd like to move on that as quickly --  
23 my CBO hat, the Environmental Justice hat. As a  
24 Commissioner, I'm not sure I'm ready. I need a  
25 consultation, as I imagine we all have others that we

1 answer to, particularly the community, as well, and our  
2 partners making sure to the extent that they're -- I'm  
3 not sure what could be the possibility as a Commissioner  
4 to be able to support, again, a letter, as the official,  
5 that could help support those areas of your -- I'm open  
6 to ideas of how we could do that as a Commission. It  
7 sounds like that's what you're asking?

8           VICE CHAIR KELLEY: I would hope that  
9 everything would be endorsed, and the Commission would  
10 vote on it. But I'm not that optimistic and I would  
11 welcome any letters of support of the elements that are  
12 in this plan that we could use to show that we have other  
13 advocates for the same measures.

14           COMMISSIONER OLMEDO: As a CBO, you know,  
15 wearing that hat makes sure that we work on that and  
16 convene with our partners, with our team, and making sure  
17 that we get something out to you right away to help  
18 support those positions that we feel pretty strongly and  
19 comfortable supporting.

20           Again, in that whole spirit of righting the  
21 wrongs of the past, I would love the County to also put a  
22 plan together. What does that future look like when it  
23 comes to the local authorities and the local permitting?  
24 Because I don't entirely disagree with Commissioner  
25 Castaneda, but those of us that have been here working on

1 Environmental Justice, it's never how, you know, how it  
2 is promised. We always continue the shortchange,  
3 shortchange, and over 100 years that's a considerable gap  
4 that it's almost we're not going to make it up in our --  
5 you know, we're not going to right the wrong in our  
6 lifetime and maybe not even in the next generation, so  
7 what does that look like? Because I serve as an  
8 Environmental Justice entity. I would like to see it go  
9 in the direction as Commissioner Castaneda's is bringing  
10 up, as you are, Commissioner Kelley, and I'm sure others  
11 locally. But even now we talk a lot about locally  
12 engaging Environmental Justice, and I don't think that  
13 the County has any policy that commits to Environmental  
14 Justice. The State has done it for many years. And even  
15 today, you know, the CNRA and CEC have advisories on  
16 Environmental Justice, have policies on Environmental  
17 Justice and, you know, I appreciate you and your effort  
18 in helping us push an equity policy around health, there  
19 is zero in the County that commits to Environmental  
20 Justice. I think this is the perfect time to pull all of  
21 that together and do it simultaneously, so we don't get  
22 to these points where we need to do things today, right?  
23 Environmental Justice in the community has always been  
24 put in that situation. You want a job? Well, then you  
25 have to exempt this. You want, you know, community

1 benefit? Well, then you have to do it right now. And  
2 it's sort of the historical situation, but I'm here to  
3 support Commissioner Kelley. How can we make that happen  
4 now? I'm glad Jim is here. I hope others in the County  
5 are listening. I hope the entire County Board that I  
6 know is being informed by you and others that might be  
7 participating. But the time is right now. Let's do all  
8 of those things that we need to build the infrastructure  
9 to have greater confidence in pushing so the local  
10 management, you know, so not County Control (Phonetic)  
11 necessarily because that can sometimes, you know, not be  
12 perceived as a positive always.

13 CHAIR PAZ: So, for Ryan's sake, we have had  
14 some time with this plan already as Commissioners, and it  
15 was shared I think even since the last meeting, not food  
16 for discussion, but with the idea that people would have  
17 the time to go and do their due diligence. I understand  
18 time flies between meeting, so we might not have gone  
19 into it. So, I just wanted to mention that we have had  
20 some time with this information.

21 The other thing that I want to say is that,  
22 even though we may not find consensus on all of the  
23 elements, that does not mean that this Commission could  
24 not or should not take a vote if that's what he would  
25 like and, Ryan, we can take direction from you.

1           Particularly for me, I think there's one like  
2 hard line for me in all of this which is the exemption of  
3 the CEQA process. So, for me, that's where I would draw  
4 the line, but everything else I think could be doable.  
5 And some of the items that are listed on your plan may be  
6 contingent on other things happening, right? So, the  
7 request for the office in Lithium Valley may be  
8 contingent on whether you get the authority for 100,  
9 right, and that's not specified anywhere here in the  
10 plan. But there's items like that that we could go  
11 through and definitely get to a vote so that this  
12 Commission has an opportunity to support some of the  
13 elements, if not all, because I don't speak for everyone.

14           VICE CHAIR KELLEY: I would -- Silvia, I would  
15 take your queue. The CEQA exemption on the Programmatic  
16 EIR, those are still -- and we are moving forward in that  
17 in a Master Planning effort, but whatever you feel  
18 comfortable and a consensus of some items or elements to  
19 vote on, I would be much appreciative.

20           CHAIR PAZ: Great. Steve.

21           COMMISSIONER CASTANEDA: And I would just add  
22 very quickly that a Programmatic EIR does not basically  
23 eliminate the requirement for environmental review for  
24 individual projects. What it does is it basically sets  
25 an environmental protection framework that projects that

1 would be, shall we say, acceptable would have to have  
2 within, but they would still have to individually look at  
3 levels of impact and mitigate appropriately.

4           What it does, it basically defines the rules of  
5 the road for Developers and investors. It basically lets  
6 people know what they can do and what they can't, but  
7 more importantly for anyone that's going to invest those  
8 kinds of resources, it provides some certainty in the  
9 process. It allows them the confidence that basically  
10 they're going to put up their money, at least they're  
11 going to be able to have a good shot, a fair shot at  
12 basically being successful.

13           So again, I think that there might be -- and  
14 again, I don't know if I just sort of misunderstood you,  
15 Madam Chair, that the programmatic does not basically  
16 exempt all projects that fall within that boundary. So,  
17 I just wanted to make sure.

18           CHAIR PAZ: No, I understand that and thank you  
19 for highlighting. But if I read the plan correctly, it  
20 has both elements, the Programmatic EIR and then it's  
21 also requesting an exemption for future projects after  
22 the Programmatic EIR where the specific plan is adopted.  
23 But maybe I misunderstood it.

24           VICE CHAIR KELLEY: I think it mentions it in  
25 that respect that it would not -- I'll have to pull it up



1 to look at the specific language, but it doesn't exempt  
2 it from CEQA. And there is no request to exempt it from  
3 CEQA.

4 CHAIR PAZ: Okay, perfect. Thank you for that.  
5 Jonathan.

6 COMMISSIONER WEISGALL: Well, I guess just as a  
7 quick added point as a Developer. Whether we go through  
8 the County or whether we go through the California Energy  
9 Commission, we do not have a CEQA exemption at all. So,  
10 either route is CEQA compliant, you know, there's no easy  
11 way, no one is looking to get around CEQA.

12 And my understanding from Jim Minnick's  
13 presentation and my own talks with him, is whichever way  
14 you go, you comply with all the provisions of CEQA.  
15 Thanks.

16 VICE CHAIR KELLEY: So, Silvia, the reference  
17 is on page 8, and it says, "The County of Imperial  
18 requests that the State of California take an Executive  
19 or Legislative action that results in the exclusion of  
20 current and future projects that are within the County's  
21 to-be-created specific plan and Programmatic  
22 Environmental Impact Report from further environmental  
23 review, such as the California Environmental Quality Act.  
24 If that language is consternation to anybody, then  
25 support without that is fine with me.

1 CHAIR PAZ: Yeah, that was the language for me,  
2 at least. So, I don't know how we can take -- what is  
3 sort of the timing that --

4 VICE CHAIR KELLEY: Yesterday.

5 CHAIR PAZ: -- yesterday. Because I think I'm  
6 hearing some consensus, but again I don't know that we  
7 are organized enough to take the vote if ideally -- and  
8 this is just me, but maybe you all feel more comfortable.  
9 I want to see sort of like the pieces and like, okay,  
10 this is clearly what we're voting on, and this is what  
11 we're leaving out; that way there's no confusion. And we  
12 don't have that anywhere written. But if between now and  
13 the next meeting, and just as an FYI, we're going to try  
14 to get two meetings. My request is that we're going to  
15 try to get two meetings per month, moving on, so that we  
16 can speed things up and CEC will contact you all to  
17 coordinate those. But maybe between now and our next  
18 meeting we can draft either a letter, maybe Ryan, you can  
19 draft it, or I can help you draft it, that way we present  
20 it and then that's what we adopt and everyone in the  
21 Commissions knows, okay, this is more or less what the  
22 consensus was that we heard, and then it's easier? I  
23 don't know. I'm just -- and the process gets in the way  
24 sometimes.

1           VICE CHAIR KELLEY: So, yeah, I'm flexible. It  
2 is time sensitive because things are moving quicker than  
3 our next meeting. Whatever I can garner, I will take.

4           CHAIR PAZ: Okay.

5           VICE CHAIR KELLEY: Put something in the chat,  
6 these are realistic things that we discussed and -- and I  
7 know that it's 5:20, so...

8           CHAIR PAZ: Yes. And I'm very interested. I'm  
9 not falling asleep. Luis.

10          COMMISSIONER OLMEDO: And just say reiterate  
11 that, you know, because time sensitivity, again, wearing  
12 my CBO hat, we'll provide a letter of support right away,  
13 you know, based on those areas that we agree with after  
14 some immediate consultation and I'm open to having more  
15 meetings, as much as necessary to get to a point of  
16 agreement and get a letter out because, I agree with you,  
17 it is time sensitive.

18          And just a final closing point is I just want  
19 to make it clear that, you know, we do have a lot of  
20 audience here listening to us and one of the concerns at  
21 one of the meetings in your district, Commissioner  
22 Kelley, is we put ourselves here as experts and I  
23 certainly am no CEQA expert, I don't dare try to speak on  
24 CEQA, or I'm not an attorney. I rely on attorneys, in  
25 fact, I rely on attorneys having to do with public health

1 and bring an Environmental Justice lens, an ecological  
2 lens into this. So, I just wanted to again just remind  
3 us that people that are listening to us in our community  
4 are going to look at us as we are an authority and that  
5 we speak as an authority that I hope that we can back it  
6 up just so that we make sure we're well informing the  
7 public, especially those that may be looking at us for  
8 guidance and information and facts. Thank you.

9 CHAIR PAZ: Thank you. So, we will go to open  
10 comment and then -- I mean public comment -- and then  
11 come back. Erica.

12 MS. LOZA: If you are joining us by Zoom on  
13 your computer, please used the raised hand feature. If  
14 you've called in, please dial \*9 to raise your hand and  
15 \*6 to unmute your phone line. So, I'm going to go first  
16 to the participants on Zoom. The first one is Nikola  
17 Lakic. You should be able to unmute yourself now.

18 MR. LAKIC: Good to -- can you hear me?

19 MS. LOZA: Yes.

20 MR. LAKIC: Thank you, Madam Chair Paz and  
21 distinguished Commissioners and panelists. Thank you for  
22 this opportunity to ask a question. Before this last  
23 segment was public comment and Tom Sephton asked a very  
24 important question about dust and water. And he asked to  
25 Mr. Jim Minnick, but for some reason Jim Minnick didn't

1 answer it and Chair Paz cut it off and decided that she  
2 will send the answer to the Tom. My question is why?  
3 That's very very important. It's a fundamental question  
4 that I was curious to hear that for many years how the  
5 transfer happened with water to San Diego. And people  
6 don't know and whole state would like to know, especially  
7 nearby communities. And why Jim Minnick couldn't answer  
8 and why Chair Paz cut it off.

9           And directing questions in writing to Tom  
10 Sephton is fine, but I'm curious to know a little bit  
11 more about it, and I'm sure the whole state would like to  
12 know that. Thank you very much.

13           MS. LOZA: The next person is going to be Joan  
14 Taylor. You should be able to unmute yourself.

15           MS. TAYLOR: Thank you. Joan Taylor here,  
16 Chair of the California-Nevada Desert Committee of Sierra  
17 Club. We support the geothermal development, and very  
18 hopeful that Lithium extraction proves commercial and  
19 environmental. We also strongly support the education  
20 and job training infrastructure, and so on, in the County  
21 Plan. And we hope that local residents can benefit from  
22 this and not imported workers.

23           We also support removing wheeling fees, not  
24 only for geothermal and associated industry, but also for  
25 any local energy that does not use the transmission grid.

1 Transmission charges on locally consumed energy  
2 constitute a huge penalty, which keeps midscale where  
3 houses rooftop solar, for instance, from being  
4 competitive.

5           We also support the County preparing a Master  
6 Lithium Investment Plan and programmatic EIR, which would  
7 allow it to assess community impacts. We have serious  
8 concerns about the plant's proposals, as we read it, to  
9 make future individual projects exempt from CEQA. It's  
10 analogous to the Desert Renewable Energy Conservation  
11 Plan in trying a Master EIS from which later projects  
12 have tiered, so when projects are consistent, they can be  
13 permitted with less rigorous and more expeditious level  
14 of review under NEPA. They did not exempt projects from  
15 NEPA.

16           So, we've heard from Mr. Minnick how  
17 efficiently his department moves a project through CEQA.  
18 The projects tier from the Lithium Valley specific plan,  
19 Programmatic EIR, and are truly consistent and they  
20 require very limited environmental review that should not  
21 be exempt from CEQA. Thank you very much.

22           MS. LOZA: The next person we should be is Tom  
23 Sephton. You should be able to unmute yourself.

24           MR. SEPHTON: Thank you. Speaking in response  
25 to Supervisor Ryan Kelley's proposal, I'd like to say in

1 wearing my hat as Board President of the EcoMedia  
2 Compass, you will be getting a Conditional Letter of  
3 Support from our organization. At our next Board  
4 Meeting, we will be voting on it. And I would hope that  
5 the Lithium Valley Commission can also find those aspects  
6 of the proposal that there is a consensus on and vote for  
7 it in a timely fashion. And we do understand the concern  
8 about having a Programmatic CEQA and whether that might  
9 exempt projects from certain steps in CEQA. We don't  
10 think that does if it's put together properly. But if  
11 you can find the pieces that you can have a consensus on  
12 and support it, I think that would be useful to move this  
13 forward in a good way for all of the community. Thanks.

14 MS. LOZA: Thanks. So, I'm going to read the  
15 comments now. The first one is anonymous. It says:  
16 "The investment plan is great, but you should not give  
17 CEQA, the Commission, and Imperial County owe it to the  
18 community to maintain full transparency, which should be  
19 prioritized over efforts to move forward Lithium projects  
20 faster.

21 The next comment is Janet Wilson's. It says:  
22 "Is there a public copy of the plan with the elements  
23 you're all discussing and voting on? Was public notice  
24 given that you would be voting on certain language? Not

1 meaning to criticize, just not seeing a copy in the  
2 docket.

3           The next comment is from Michael Garabedian.  
4 "I've been offline for a while. I see that the Imperial  
5 County CEQA rules allow making findings of overriding  
6 considerations, so it seems that they do not do this as a  
7 practice, though they could."

8           MS. LOZA: The next comment is from Jose  
9 Flores. And he says: "Wanted to thank all the  
10 Commissioners for a productive meeting and looking  
11 forward to upcoming meetings."

12           Okay, and I don't see anymore hands up, so back  
13 to you, Chair Paz.

14           CHAIR PAZ: Thank you. Let me give a check on  
15 my proposal, which I mentioned earlier. I think we  
16 probably have heard consensus on most of these things and  
17 Supervisor Ryan Kelley put it on the chat. He said: "To  
18 accomplish these goals, Imperial County is requesting the  
19 consideration of the specific support actions, either in  
20 the Budget Trailer Bill, or through delegation of  
21 authority to the County of Imperial." In bullets:  
22 "Delegating planning and permitting authority of  
23 geothermal development up to 99.9 megawatts generation to  
24 the County of Imperial, which is currently limited to  
25 49.9 megawatts; support and funding of the Lithium Valley



1 Specific Plan and Program Environmental Impact Report  
2 estimated at \$3 million; support and funding of the  
3 Lithium Valley Development Office, \$500,000 annually,"  
4 and I think it was for 10 years?

5 VICE CHAIR KELLEY: Yeah.

6 CHAIR PAZ: "Support and assistance in creation  
7 of an Imperial County Severance Tax or Resource Levee for  
8 critical minerals delegated authority to Imperial  
9 County." And then "support and funding of a Cal Poly  
10 campus in Imperial County, \$100 million."

11 If there is consensus on this item, what I can  
12 do is, again, I would like to draft that letter with  
13 Ryan, so then the Commission can just ratify it so that  
14 the language is there. But these are the elements that  
15 I'm hearing, unless any of you -- and notice that the  
16 CEQA exemption language is not in here, so thank you for  
17 that. But what's the feeling here?

18 VICE CHAIR KELLEY: Silvia, you can remove the  
19 dollars if it's just supporting the goals, that is  
20 sufficient for us.

21 CHAIR PAZ: Okay. Mr. Castaneda.

22 COMMISSIONER CASTANEDA: Well, I was just going  
23 to say that I would support, you know, whatever the  
24 mechanism is to have you and Supervisor Kelley to draft  
25 that letter, and then bring it back to us as quickly as

1 we can so that we can vote it up or down. So, I would  
2 support that.

3 CHAIR PAZ: Thank you. Anybody else?

4 COMMISSIONER WEISGALL: It makes sense --  
5 Jonathan here. I think it's a good idea.

6 CHAIR PAZ: Okay. Well thank you and we're  
7 going to try to meet before the 28th, so as quickly as we  
8 can. Maybe some time mid-April, so in the next two  
9 weeks. So that gives us time, Ryan, to draft something  
10 and then just have it ratify.

11 All right, and then I think there was a  
12 question from the public comments about whether an action  
13 or this item was noted? I believe it was, but if I can  
14 have Deana or someone from the CEC just verify that all  
15 of this was properly noted.

16 VICE CHAIR KELLEY: Yeah, it is on the docket,  
17 and I saw an update from Janet that she did find it.

18 CHAIR PAZ: Okay.

19 MS. WEBSTER HAWKINS: And I would confirm,  
20 Chair Paz, this is Renee from the CEC, and yes, we were  
21 able to get the link in the chat before the discussion  
22 started and Janet did find it, and also our Agenda did  
23 clearly indicate that a vote was possible on this  
24 discussion item.

1 CHAIR PAZ: Yes. So, on that item, though,  
2 there's -- do we need a vote just for Ryan Kelley and to  
3 go and draft the letter?

4 MS. WEBSTER HAWKIN: No. It's the intent to  
5 bring it back for the Commission's consideration at the  
6 next meeting. You do not need a vote.

7 CHAIR PAZ: Okay, so we'll do that. Yeah,  
8 we'll bring it back. Well, thank you everyone. Thank  
9 you, Ryan, for bringing this up and really a good  
10 conversation. I mean, I could keep on going probably  
11 today. It was really interesting. But I know you all  
12 don't have to keep going.

13 So, thank you. I think we will go now to  
14 General Public Comment and the items that we didn't get  
15 to today we'll bring back at the next meeting.

16 MS. LOZA: If you're joining us by Zoom on the  
17 computer, please use the raised hand feature. I  
18 f you've called in, please dial \*9 to raise your hand and  
19 \*6 to unmute your phone line. I'm going to check now to  
20 see if there's anyone on the Zoom. I see John Hernandez.  
21 You should be able to unmute yourself.

22 MR. HERNANDEZ: Okay, I think I got this  
23 figured out finally at the end of the meeting.

24 MS. LOZA: We can hear you.

1           MR. HERNANDEZ: Okay, so interesting discussion  
2 at the beginning with the first two presenters, Paul  
3 English, and Jonathan London. And the discussion around  
4 the health issues in our community are not new  
5 discoveries, as are not the new discoveries of geothermal  
6 being around for 40 years, and what's in the minerals,  
7 and KGRA, and all those things.

8           What is new, however, in our community is that  
9 we are wanting and are getting a seat at the table. A  
10 seat at the table where we have been for so many years  
11 not participants in our community and have developed a  
12 community that is one of the most disadvantaged and one  
13 of the most polluted, one of the most non-attainment in  
14 air quality. But yet we have one of the richest  
15 corporations operating within our communities, the  
16 Agribusiness one of the richest, Imperial Irrigation  
17 District, one of the richest.

18           So, I would just like to say that I'm glad to  
19 see that we do have a seat at the table and that people  
20 are paying attention, and that there are slowly but  
21 surely ways to engage. And slowly but surely the word  
22 getting to the corporate structures that I'm hearing from  
23 the three Developers that are wanting to capitalize on  
24 the Lithium, I'm hearing good things from them that  
25 they're saying that they want to engage with the

1 community, they want to participate, they want to give  
2 back, everybody pays, they want to go to the CEQA  
3 process, whether it be local or whether it be State.

4           But in my history, locally, because the  
5 interests of developing the industries of Ag in the  
6 Imperial Irrigation District, have not been receptive to  
7 our communities. So, I just want to say that, as someone  
8 who has lived here all my life, and has suffered through  
9 some of the degradations, you know, the worst, Niland,  
10 the slabs, Bombay Beach, Desert Shores, even as far as  
11 Brawley is concerned and Calexico and El Centro, all  
12 these homeless problems, but yet some of the richest  
13 minerals in the world. It shouldn't be this way. And  
14 it's not going to be this way. And I'm glad to hear that  
15 Ryan is on board to try to make it better for everybody.  
16 So, thank you for listening briefly.

17           MS. LOZA: I don't see anymore comments or any  
18 hands raised. So back to you, Chair Paz.

19           CHAIR PAZ: Thank you. Next slide. Just  
20 before we adjourn, one, I didn't introduce Erica, but  
21 thank you, Erica who is now supporting us. And I also  
22 learned that Elisabeth de Jong, who has been supporting  
23 us since the inception, is transitioning to other  
24 opportunities. So, I want to take a moment and just to

1 thank Elisabeth for all of the support that she's given  
2 this Commission. So, thank you, Elisabeth.

3 MS. DE JONG: Thank you, Chair Paz. I  
4 appreciate that.

5 CHAIR PAZ: Great. So, this adjourns our  
6 meeting. And again, keep an eye for your emails as the  
7 CEC is going to try to organize us and our schedules so  
8 we can have another meeting in the middle of April.  
9 Thank you. The meeting adjourned at 5:41.

10 (Meeting adjourned at 5:41 p.m.)

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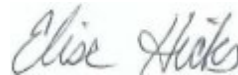
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And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

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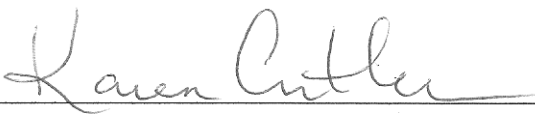
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IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of April, 2022.

  
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