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**Prepared Testimony Blue Ribbon Commission on Lithium
Extraction Meeting July 21, 2022**

Additional submitted attachment is included below.

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When you see the effect of the current geothermal facilities on the landscape of the Salton Sea and realize the wholesale lack of consultation with affiliated tribes, it's hard not to be angry. I heard and felt that anger at the July 15 information session.

Today, I am going to try and park my anger, and instead focus on what can be done to lift the topic of tribal cultural resources so that it will finally be factored into the processes related to the siting of geothermal and lithium extraction projects in Imperial County.

My perspective is coming from several decades of working with many of the affiliated tribes, and supporting Carmen Lucas, Kwaaymii Laguna Band, over the last decade as she has tried to gain acknowledgement of the tribal cultural value of the Obsidian Butte area.

We respectfully request the Blue Ribbon Commission include in its report the following findings and recommendations related to potential environmental impacts to the state resulting from the extraction, processing, and production of lithium and lithium-dependent products:

- 1. CEC maintain or expand its jurisdiction on environmental documentation and review.** It was clear at the information session that the county has been *unable or unwilling* to engage tribes in its planning and environmental processes related to geothermal and now lithium development, including its Lithium Valley Economic Opportunity Investment Plan, which left tribes out. This big red flag of overlooking tribal cultural resources to date, has also resulted in unmitigated effects. Noise, visual intrusion, and other effects on important cultural features like Obsidian Butte were in plain view during our site visit with a CEC member, select Commission members, and staff earlier this month, and are in violation of CEQA, NEPA, and the National Historic Preservation Act. There has also been a complete failure to consider cumulative effects to tribal cultural resources, including the cultural landscape. County documents need serious process change and oversight to cure these legal deficiencies. Just because you weren't sued, doesn't mean your documents were compliant. And please, no more exemptions without consultation.

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2. **CEC maintain or expand its tribal engagement and consultation efforts.** It was also clear July 15 that the county lacks staff proficient in tribal engagement and consultation. Nor did the county's presentation indicate any future investment in this area. While it may not be fully robust, CEC staff *has* made efforts over the years to engage tribes and appears to have the capacity to create a more open, transparent, and inclusive process. This is bolstered by the Governor's Executive Orders and apology to California's Tribes for past depredations by the state. The state needs to make a serious effort to not contribute to *modern day* depredations by failing to include tribal communities in planning and mitigative efforts informed by meaningful consultation.
3. **CEC honor the findings and recommendations in the 2010 ethnographic report it commissioned.** That report, *Ethnographic Assessment of the Importance of Obsidian Butte to the Native American Community*, by Dr. Tom Gates, recommended that the Obsidian Butte area is eligible for the National Register of Historic Places under all four criteria. Those findings need to be carried forward into *action* and the Obsidian Butte area be determined to be a tribal cultural resource by lead agencies. There is no justification for why this has not happened to date. Imperial County has few resources listed on historic registers despite having many documented (and still undocumented) eligible resources. It is long overdue for respect to be given to this tribal cultural resource and for that respect to be translated into the environmental process. Without this, there *is* no equity, and it can be said that only *performative efforts* of engagement are happening.
4. **CEC find and dedicate resources so that the features of the Southeast Lake Cahuilla Active Volcanic Cultural District can be recognized, respected, and protected.** These features, including Obsidian Butte, speak directly to the area bounded by the Salton Sea Shallow Thermal Anomaly. The CEC should see that funding is made available for affiliated tribes and qualified consultants to further identify, document, evaluate, and place this District on the appropriate historic registers. There is local precedent for this: in 1999, the Southwest Lake Cahuilla Recessional Shoreline Archaeological District was placed on the National Register at the request

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of the US Navy. Tribes in other states have also been successful in protection of sacred volcanic areas in partnership, such as for the Traditional Cultural Property around Mt. Taylor in Arizona.

These steps – and others provided through consultation with affiliated tribes - would help repair some of the damage of lost engagement opportunities that is so evident in the development of the geothermal industry in Imperial County. The state needs to be careful not to exacerbate this damage in its effort to expand this industry around extracting lithium.

Finally, these steps must be taken *before* new development is considered to bring the processes into legal compliance and to honestly assess effects and mitigation, including siting, design, and indirect effects on the tribes' sacred places.

Should the Commission choose not to adopt any of these recommendations, they should nonetheless be part of the record, such as in an appendix or minority report section of the larger report.

I have provided a copy of my prepared statement to your staff and remain available for questions.

Thank you.