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Lithium Valley Commission Legislative Report Roll-Out Plan

Additional submitted attachment is included below.



August 5, 2022



Chair Silvia Paz
Lithium Valley Commission
California Energy Commission
715 P Street
Sacramento, CA 95814

RE: Lithium Valley Commission Legislative Report Roll-Out Plan

On behalf of Leadership Counsel for Justice and Accountability, Sierra Club California, Pacific Institute, and the undersigned residents from North Shore, Thermal, Salton City, Desert Shores, and Coachella, we submit this letter in response to the suggested Lithium Valley Commission (LVC) legislative report (legislative report, or report) roll-out plan and timeline.¹

We ask that the LVC consider the following recommendations to ensure the report is well-informed and is responsive to and representative of community priorities and perspectives:

1. Extend the report's public review period to 45 days to allow for an inclusive, accessible, and transparent engagement and public participation process and adjust the submission deadline accordingly.
2. Ensure the legislative report is responsive to and representative of the public's feedback, concerns, and demands.
3. Clarify the purpose and use of the final legislative report and establish transparency in its approval process

Extend the report's public review period to 45 days to allow for an inclusive, accessible, and transparent engagement and public participation process and adjust the submission deadline accordingly.

We urge the LVC and California Energy Commission (CEC) to amend the Potential Legislative Report Road Map presented in the 20-LITHIUM-01 docket to extend the public review period to allow for more inclusive and substantive engagement of communities around the contents of the draft report. The suggested 15 day comment period is inadequate for achieving these outcomes and reflects the persistent challenges of the LVC and CEC to properly inform, engage, and learn from the public about their concerns, priorities, and recommendations for the development of a local lithium extraction and processing industry.

First, we ask that there is a 45 day public comment period for the draft report. After this, the LVC and CEC should consider and implement the received public comments into the report's final draft. Additionally we ask that an outline of all public comments received to date and their respective responses is included as an attachment to the report's final draft.

Second, after the 45 day public review and the implementation of the received comments is

¹ [Potential Legislative Report Roll-Out - July 21 Lithium Valley Commission Meeting](#)

complete, we ask that the LVC releases this final draft to the public and provides a 15 day public comment period for review. An outline of the public comments received during this 15-day final review period with their respective responses should also be reflected in the report. This will ensure the public has an opportunity to see how their comments were responded to and considered before the LVC votes to approve and submit the final report to the legislature.

Both of these extension requests will require the LVC and CEC to extend the final report submission deadline. This should be done accordingly to accommodate for these extensions and added engagement efforts.

Despite the subsequent setbacks to the report's timeline, we strongly believe that providing ample time for the public to engage in the report's development process will demonstrate the LVC's and CEC's intention toward addressing the local communities' continued concern about inaccessibility in the overall process and gives an opportunity to address these persistent issues. To ensure the integrity of the report, we strongly consider this an important obligation that the CEC and LVC have to local communities.

Furthermore, we encourage the LVC and CEC to learn from past logistical and accessibility hardships in previous meetings to better plan and coordinate the suggested community workshops. In order for residents and community-based organizations to properly prepare for community workshops and support the LVC's outreach efforts, future events should be planned in collaboration with local leaders with at least three weeks of anticipation. As mentioned before, these events should be held during the evenings and should not be more than two hours long. We encourage the continued effort to offer translation in Spanish as well as hybrid meetings with multiple location options for in-person participation.

Ensure the legislative report is responsive to and holistically representative of the public's feedback, concerns, and demands.

As stated in AB 1657, the LVC's report will guide policy related to lithium extraction, processing, and production, including recommendations to address the potential economic and environmental impacts to the state resulting from these processes. These findings will impact the development of Lithium Valley, which has tremendous present and future implications for the Salton Sea region's communities and environment. It is of utmost importance that local perspectives inform the substance of the report to ensure the community's concerns are properly considered in future decision making.

In both the tribal and community panel sessions during the LVC meeting on July 21st, participants shared concerns about the continued lack of proper information sharing, public engagement, tribal consultation, and disregard for local concerns and oppositional stances. Similar feedback and concerns have been shared previously by community stakeholders in both public comments and in written feedback and as such, must be reflected in the report in the form of policy, mitigation, and investment recommendations. Commonly shared concerns that continue to be raised by residents include; the uncertainty of water use, potential impacts on the Salton Sea, potential public health impacts, subsequent industrial development, and localization of workforce development. Both local tribal representatives and community representatives

made clear comments during the LVC meeting on July 21st that, given their continued concerns with the LVCs overall process, an extension to the report's deadline is necessary to adequately accommodate community involvement and allow for proper information sharing.

Clarify the purpose and use of the final legislative report and establish transparency in its approval process.

Through the report's approval process, the purpose and intended use of the report and the roles and responsibilities of all the involved entities, including the community, must be clarified by the LVC. The report should detail the LVC's and CEC's recommended guidance on how and to what degree they expect the report to be considered by the legislature and others.

Despite the report's nearing submission deadline, the roles and responsibilities of the CEC and LVC continue to be unclear: we ask for transparency and clear descriptions of these responsibilities and the resources provided to fulfill those roles. To date the report has been described as being led by the LVC, however, it appears that the LVC itself has also not been given an opportunity to review the report. This begs the question of who is leading the development of the report, how they are engaging local communities, and how the LVC influences its content. Greater transparency from the LVC and CEC will be critical in the coming months to ensure the integrity of the process.

Thus far, the execution of the LVC has not adequately represented or engaged environmental justice and tribal communities in the region given overall inaccessibility to meetings and informational material. If lithium extraction, processing, and production is expected to move forward in California in a way that aligns with local environmental and economic justice values, we expect the LVC, the CEC, (others) to produce a legislative report that includes the concerns, recommendations, and demands that have been consistently been raised by these stakeholders. We stress the importance of extending the report's public comment period and submission deadline to successfully meet the public's expectations and ensure the integrity of this work, as well as set an environmental justice precedent for future extractive projects.

Sincerely,

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