

DOCKETED	
Docket Number:	20-LITHIUM-01
Project Title:	Lithium Valley Commission
TN #:	246813
Document Title:	County of Imperial Comments - on the Draft Report of the Blue-Ribbon Commission on Lithium Extraction in California
Description:	N/A
Filer:	System
Organization:	County of Imperial
Submitter Role:	Public Agency
Submission Date:	10/25/2022 2:37:54 PM
Docketed Date:	10/25/2022

Comment Received From: County of Imperial
Submitted On: 10/25/2022
Docket Number: 20-LITHIUM-01

Comment Letter Rulemaking Docket 21-OIR-02

Additional submitted attachment is included below.

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October 25, 2022

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

**RE: Docket No. 20-Lithium-01
Formal Comments Regarding the Draft Report of the Blue-Ribbon Commission on
Lithium Extraction in California (Pursuant to Chapter 271, 2020 (AB 1657))**

Dear Chair and Members:

The Imperial County Board of Supervisors are writing to provide comments regarding the Draft Report of the Blue-Ribbon Commission on Lithium Extraction in California (Lithium Valley Commission).

The Imperial County Board of Supervisors recognizes the efforts of the California Energy Commission in drafting this report on behalf of the Lithium Valley Commission. We also recognize the time invested in these efforts by both Lithium Valley Commissioners as well as the countless residents, community and industry leaders who participated in the last year and eight (8) months of meetings.

The Imperial County Board of Supervisors has embraced lithium production, refinement and use (manufacturing and assembly) for the purpose of increasing economic opportunities for our residents to improve their quality of life. All of our decision making relative to Lithium Valley to date has been driven by this objective. We have reviewed the draft report with this objective as our guiding light.

Our understanding is that the purpose of the Lithium Valley Commission and efforts by both the State of California and the United States Government is to propel the lithium production and manufacturing industry in order to provide for energy security, reduction of greenhouse gas emissions from transportation and improve national security. For these reasons, we believe this draft report falls short. As written, this report provides suggestion for new regulatory barriers and potential legal challenges to the industry that will set lithium production back by a decade or

longer. Rather than following the California Environmental Quality Act (CEQA) and land use authority by the County of Imperial, the report suggests endless and conflicting processes. The County of Imperial Board of Supervisors provides the following recommendations:

1. Lithium Valley is located in Imperial County. At this juncture, the Known Geothermal Resource Area (KGRA) does not include any portion of Riverside County. Imperial County is working to utilize a naturally occurring resource for our residents' economic benefit. For the same reason that Imperial County does not include the beaches of San Diego County in our regional description or economic development plan, any reference to Riverside County, the Inland Empire or other regions outside of Imperial County should be removed from the report.
2. Page 2 (PDF Page 9), the Blue-Ribbon Commission is tasked to review, investigate and analyze eight (8) topics. Yet, the report mostly is a recapitulation of various public comments and discussion made at Lithium Valley Commission meetings that have little to do with the eight (8) topics.
3. Page 6 (PDF Page 13) discusses the advantage of Lithium Valley production relative to direct lithium extraction (DLE) as being more environmentally sustainable and beneficial than conventional mining operations, yet the draft report is fraught with comments and suggestions of a more stringent environmental review than what is called for under CEQA. Both the State of California Governor and President of the United States have communicated publicly the need to expedite production as the United States works for a reduction in greenhouse gas emissions and advances domestic energy security. All reference to processes more stringent than CEQA should be removed from the report.
4. Page 8 (PDF Page 15) discusses Tribal consultation and suggests a process more stringent than what is called for under state law. This is both repetitive and unnecessary. Tribal consultation laws (SB 18 and AB 52) are more recent laws and call for robust levels of consultation. Additionally, County of Imperial officials have contacted three (3) regionally based Tribes and are actively working to provide direct and frequent communication with them on Lithium Valley and other projects.
5. Page 8 (PDF Page 15) also suggests that Lithium Valley be defined as a region beyond city and county boundaries and provide for financial eligibility (State and Federal incentives) beyond facility locations in Imperial County. The County of Imperial rejects this suggestion. Again, the KGRA is entirely within Imperial County. We invite other regions/counties to utilize their natural resources to their benefit. To do otherwise is to suggest that financial benefit received by the Los Angeles Region as a result of the Port of Long Beach or even financial benefit received by Orange County or the City of Anaheim as a result of Disneyland should be shared with Imperial County.

6. Page 8 (PDF Page 15) again suggests that lithium production projects integrate mitigation measures beyond those required by CEQA. Note that CEQA in and of itself does not require a single specific mitigation. The CEQA process looks at a project and its impacts and provides recommendations to mitigate (where possible) for the consideration of the adjudicated body (in this case the Imperial County Board of Supervisors). To suggest “beyond CEQA” is nebulous and subjective. It is the responsibility of the County of Imperial to certify appropriate CEQA documents that would include appropriate mitigation.
7. Page 13 (PDF Page 20) Item H discusses the recommendation for the State Legislature to consider funding a state agency to establish a centralized permit and regulatory reporting tracking system. The County of Imperial rejects this suggestion. The California Energy Commission currently already has certain authority, as does the County of Imperial and a host of other agencies. In fact, the County of Imperial has worked closely with the CEC to provide a path for the County to have permitting authority for geothermal operations of any size (not just those over 49.9 MW). Again, the edict from both the Governor and the President have been to “fast-track” lithium production. This suggestion adds multiple layers of new bureaucracy as well as industry delays for an agency and administrative framework to be created.
8. Page 30 (PDF Page 51) Item 4 (Recommendations) suggests defining Lithium Valley as “all of Imperial County and much of Riverside County...”. The County of Imperial objects to the premise that the definition of Lithium Valley include reference to any other region than Imperial County. As previously stated, 100% (all) of the KGRA is within Imperial County. To the degree that there are lithium deposits in Riverside County, we encourage and invite that region/County to pursue utilization of that natural resource for their economic benefit.
9. Page 30 (PDF Page 51) Bullet 6 discusses the need for community co-benefit agreements. A suggestion of a process where each individual project (producer, refiner, manufacturer/assembler) is responsible for negotiating individual agreements with one or more of dozens of Community-Based Organizations, non-government public body or even individuals place an undue burden on lithium companies that will result in significant development delays. Companies are subject to Federal, State and Local laws, including a tax code. The CEQA process and potential Development Agreement(s) with the County of Imperial as a representative democratic government are more than sufficient to ensure that community needs are met in the process.

10. Page 42 (PDF Page 63) discusses the need for energy transmission and supply to the coastal and more urbanized communities. We applaud the need for energy, energy transmission and our role to host such facilities. It shall be stated for the record that Imperial County residents cannot and shall not be responsible for providing subsidized energy to coastal and more urbanized communities at the expense of our residents.

We recognize that we have substantial comments of the draft plan. We ask the Lithium Valley Commission and the California Energy Commission to refocus on the eight (8) original objectives of the Blue-Ribbon Commission on Lithium Extraction and redraft the entire report in a manner that is consistent with said eight (8) original objectives. Further, a new draft report should provide a framework for the region to generate lithium in a safe and expeditious fashion and refrain from creating additional bureaucracy, regulatory framework and unnecessary delays.

The County of Imperial is committed to providing the California Energy Commission and Lithium Valley Commission professional resources to assist in this endeavor. We invite you to contact County Executive Officer Miguel Figueroa at (442) 265-1001 or miguelfigueroa@co.imperial.ca.us to arrange for assistance.

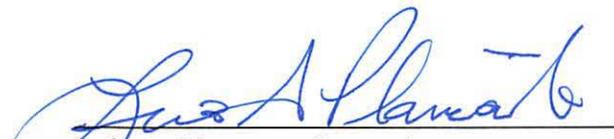
Sincerely,



Jesus Eduardo Escobar, Chair
District 1



Raymond R. Castillo, Vice Chair
District 5



Luis A. Plancarte, Supervisor
District 2



Michael W. Kelley, Supervisor
District 3



Ryan Elliot Kelley, Supervisor
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