

DOCKETED	
Docket Number:	20-LITHIUM-01
Project Title:	Lithium Valley Commission
TN #:	247973
Document Title:	Transcript of October 31, 2022 for Working Meeting
Description:	This is the official transcript of the Lithium Valley Commission meeting on 10/31/2022 as prepared by a court reporter. If an individual identifies an error in the transcription of what was stated at the meeting, they may submit a recommendation for a correction with any available substantiation, to lithiumvalleycommission@energy.ca.gov, no later than December 22, 2022.
Filer:	Jordan Grimm
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	12/7/2022 1:43:18 PM
Docketed Date:	12/7/2022

CALIFORNIA ENERGY COMMISSION
LITHIUM VALLEY COMMISSION

In the matter of,)
)
Lithium Valley) Docket No. 20-LITHIUM-01
Commission Meeting)

TELECONFERENCE

MONDAY, OCTOBER 31, 2022

10:00 A.M.

Reported By:
Elise Hicks

APPEARANCES

Lithium Valley Commissioners

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Rod Colwell
Roderic Dolega
Miranda Flores
James Hanks
Ryan Kelley
Luis Olmedo
Silvia Paz
Frank Ruiz
Manfred Scott
Jonathan Weisgall

CEC Commissioners

Kourtney Vaccaro

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Deana Carrillo
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Presenters

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Public Comment

David Korn
Mariela Loera, LCJA
Courtney Coyle, Attorney for Carmen Lucas
Cristina Marquez, IVW Local 569
Janira Figueroa, Comite Civico
Jeremy Smith, Building and Construction Trades Council
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Hector Meza, IVFW 569
Nilda Ruiz, Alianza Coachella Valley
Jared Naimark, Earthworks
Jose Flores
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Rebecca Zaragoza
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1

P R O C E E D I N G S

1
2 October 31, 2022 10:13 A.M.

3 CHAIR PAZ: Good morning, everyone, and
4 welcome. Unfortunately, we are experiencing some
5 technical difficulties with Zoom. So, we will begin
6 this meeting as soon as that is resolved. I appreciate
7 your patience.

8 (Pause)

9 CHAIR PAZ: Again thank you everyone for
10 joining us. For those of you who joined just shortly, we
11 are having some technical difficulties with Zoom. So we
12 will start this meeting as soon as those conflicts are
13 resolved.

14 MS. CARRILLO: Chair Paz we've been notified
15 that the technical issues have been addressed. So we can
16 go ahead and begin.

17
18 CHAIR PAZ: Thank you. So good morning, thank
19 you everyone for your patience today. We will get our
20 meeting started. We're meeting remotely through Zoom,
21 as authorized under Assembly Bill 189. We are providing
22 interpretation services in Spanish for attendees
23 participating through Zoom on computers or tablets. The
24 Zoom interpretation function does not work for attendees
25 who are only joining by phone.

1 Erica Loza from the Energy Commission will now
2 speak in Spanish to inform our Spanish-speaking audience
3 how to use the service.

4 MS. LOZA: Buenos dias. Me llamo Erica Loza.
5 Daré instrucciones a aquellos de ustedes que quieran
6 escuchar la reunión en español. Hay un intérprete
7 disponible a través de la plataforma Zoom. Para unirse
8 al canal en español, haga clic en el ícono del globo
9 pequeño en la parte inferior de su aplicación Zoom.
10 Seleccione el canal donde dice S-p-a-n-i-s-h. Luego
11 haga clic en la frase siguiente donde dice "Mute
12 Original Audio" para silenciar el audio original. Si
13 tiene preguntas o si gusta hacer algún comentario, por
14 favor de oprimir el icono de la mano alzada y abierta o
15 envíenos un mensaje en español a través de la función de
16 preguntas y respuestas para ayudarlo.

17 Next slide, please.

18 If you are joining us today via smart phone or
19 tablet, you may need to find the three dots, or the
20 "more" button to navigate to the interpretation options.
21 All attendees should select a channel, whether it be
22 English or Spanish. And the Interpreter will assist and
23 translate the public comment into English for the
24 benefit of the attendees in the English Channel in case
25 we get a Spanish comment.

1 Back to you, Chair Paz.

2 CHAIR PAZ: Thank you, Erica. To ensure that
3 all members of the public have access to the meeting
4 under the Bagley-Keene Open Meeting Act, we ask that all
5 Lithium Valley Commissioners select and remain on the
6 English Channel for the entirety of the meeting,
7 preferably with cameras on.

8 Now Erica, can you please review the general
9 instructions?

10 MS. LOZA: Yes. This is a meeting being
11 conducted only via teleconference. This meeting is
12 being recorded as well as transcribed by a court
13 reporter. The transcript will be posted to the docket
14 in about two to three weeks after the meeting. The
15 recording of the meeting will be available on the
16 Lithium Valley Commission webpage. The Spanish
17 interpretation will not be recorded or transcribed.
18 This meeting is a working meeting, and structured to
19 provide the Lithium Valley Commissioners time to discuss
20 the report, public comments received, and plan next
21 steps.

22 Members of the public connected to this
23 meeting via teleconference will be muted during the
24 presentations and discussion on the draft report. But,
25 there will be an opportunity for public comment before

1 the Commissioners take action on the report. We
2 anticipate potential votes to be proposed and taken
3 after the lunch break.

4 For public commenters, we will ask you to
5 state and spell your name and state your affiliation, if
6 any, when speaking. However, state law permits you to
7 remain anonymous if you choose, so providing your name
8 and affiliation is voluntary. There is a Q&A window in
9 the Zoom application in which you can use to type your
10 questions and comments and staff will relay these
11 comments as appropriate.

12 For any comments made in Spanish, the
13 interpreter will render those comments into English for
14 the non-Spanish-speaking participants to ensure those
15 comments are included in the record and transcript. The
16 presentation materials from this meeting will be made
17 available through the docket in English and Spanish
18 after the meeting. Please note that the Spanish version
19 may post a few days after the English version.

20 Next slide, please.

21 Public comments can be submitted at any time
22 through the e-commenting system accessed through the
23 Lithium Valley Commission webpage. For more information
24 on the Lithium Valley Commission, you can access the
25 webpage as shown here. You can also review all

1 materials submitted to the docket at the link provided
2 below the website address, which can be found on the
3 webpage as well.

4 Back to you Chair Paz

5 CHAIR PAZ: Thank you. We'll now move on to
6 roll call, so back to you, Erica.

7 MS. LOZA: Commissioner Castaneda?

8 COMMISSIONER CASTANEDA: Here.

9 MS. LOZA: Commissioner Colwell?

10 COMMISSIONER COLWELL: Here.

11 MS. LOZA: Commissioner Dolega?

12 COMMISSIONER DOLEGA: Here.

13 MS. LOZA: Commissioner Flores?

14 MS. CARRILLO: Commissioner Flores is in the
15 participants, she needs to be upgraded.

16 MS. LOZA: Yes, I'm promoting her now.

17 MS. CARRILLO: Or promoted, sorry. Thank you.

18 MS. LOZA: Commissioner Flores?

19 COMMISSIONER FLORES: Present, thank you.

20 MS. LOZA: Commissioner Hanks?

21 Vice Chair Kelley?

22 Commissioner Lopez?

23 COMMISSIONER WEISGALL: Sorry it's

24 alphabetical. Will there be another thirty seconds

25 here.

1 MS. LOZA: Commissioner Olmedo?

2 Chair Paz?

3 CHAIR PAZ: Present.

4 MS. LOZA: Chair Reynolds -- I mean

5 Commissioner Reynolds?

6 Commissioner Ruiz?

7 COMMISSIONER RUIZ: Present.

8 MS. LOZA: Commissioner Scott?

9 MS. CARRILLO: Commissioner Scott is in the
10 panel - in the attendees and needs to be promoted to
11 panelist.

12 MS. LOZA: Okay. Commissioner Scott?

13 COMMISSIONER SCOTT: Present.

14 MS. LOZA: Commissioner Soto?

15 Commissioner Weisgall?

16 COMMISSIONER WEISGALL: Present.

17 MS. LOZA: So I'm going to - so we have let me
18 see - we have eight present, but I thought I saw Olmedo
19 online and I didn't hear a present from him.

20 CHAIR PAZ: Commissioner Olmedo, can you test
21 your mic to see if we can hear you?

22 COMMISSIONER OLMEDO: I apologize, I had
23 stepped out, but I'm back and I'm present.

24 CHAIR PAZ: Thank you.

25 MS. LOZA: Okay.

1 COMMISSIONER OLMEDO: I'd also put it on the
2 chat.

3 MS. LOZA: Okay, thank you. So, we have nine
4 present.

5 CHAIR PAZ: Thank you. We have a quorum. So,
6 the agenda for today's meeting, if we can put it up on
7 the slide, please. Today is a working meeting, focused
8 on the discussion and deliberation on our Draft Report
9 that was released September 21st. Our meeting is
10 scheduled from 10am to 2pm, with a planned break from
11 12:30-1:00 for lunch. Our ending time is an estimate,
12 and I am going to suggest removing Item 3 -- which is
13 not available for review -- and Item 4 from the agenda,
14 to allow for additional time for discussion and
15 deliberation.

16 Next Slide, please.

17 At our last meeting, we provided some feedback
18 to the CEC and asked that they consolidate and reduce
19 the proposed recommendations. Some Commissioners were
20 also able to submit written comments on the report. The
21 CEC considered these comments and provided us with
22 proposed condensed recommendations which address several
23 of the issues Commissioners raised and removed
24 redundancy between the recommendations and with statute.

25 This effort condensed the 44 recommendations

1 to 23, which were provided to us and docketed. The CEC
2 also developed a proposed Redline to the draft report,
3 incorporating some of the specific comments we provided.
4 This was also provided to us and docketed.

5 I appreciate the CEC's efforts to address and
6 balance our various comments. These two documents will
7 be the focus of our discussion today. We will
8 prioritize our time discussing the proposed condensed
9 recommendations to better support moving our
10 conversations forward. We may also have time to provide
11 feedback on the Redline draft report, and I'd like to
12 suggest that any additional edits you may have are
13 provided to the CEC in writing by the end of the week,
14 November 4th, and they can be docketed on your behalf.

15 After we have our discussion on the
16 recommendations this morning, CEC staff will provide a
17 preliminary summary of the comments received during the
18 public comment period for our consideration. If you
19 recall, the public comment period ended last Friday. So
20 again, thank you to the CEC staff for the quick, you
21 know, turn around in getting us the materials for
22 today's meeting. And thank you to all the Commissioners
23 and the CEC staff for working over the weekend to
24 prepare.

25 A quick reminder that we all have access to

1 the comments on the docket, and you are encouraged to
2 review them directly. Then, likely after lunch, we will
3 decide how to address or resolve outstanding
4 perspectives and provide the CEC staff with direction to
5 incorporate those perspectives into the final report.
6 We may take one or more votes to accomplish that. We
7 will offer an opportunity for public comment before any
8 votes on the report are taken.

9 My hope is that you share my goal for today's
10 meeting that we try to reach unanimous approval of the
11 report, and that we can focus discussion toward that
12 end. If, by next month's meeting, we determine that a
13 unanimous vote isn't feasible, the goal will be for a
14 majority of our members, eight, to approve the report.
15 I believe we can make adjustments to get unanimity, but
16 that will require us today, before the next meeting, and
17 during the next meeting, to give our best efforts to
18 reach consensus or compromise.

19 A few ways we can do this are to provide
20 specific language for edits that we would like to see.
21 That will help us better understand each other's
22 perspectives and requests, and it will help CEC staff to
23 swiftly make the revisions without having to interpret
24 what we are saying.

25 Next slide, please.

1 Lisa Ballin, the third-party facilitator, is
2 with us again today. Thank you, Lisa, for all the work
3 you've been doing in between the meetings. And she'll
4 help us navigate the discussion. Before I pass the
5 conversation on to her, I want to level set on a few
6 issues that were raised during the last discussion and
7 in the public comments.

8 There is an interest in defining "Lithium
9 Valley," based on a tension of defining who or what
10 populations benefits, as well as perceived potential
11 harms from this vision of a lithium-based economic
12 development. I think confusion came from a
13 recommendation from Chapter 3 of the original draft
14 report suggesting that Lithium Valley be defined as the
15 geographical boundaries that this Commission established
16 in our letter for CERF funding.

17 Based on the discussion from the last meeting
18 and written commissioner comments, this recommendation
19 was deleted and is not in the proposed Consolidated
20 recommendations. I'd like to level-set our
21 understanding so that we can move the conversation
22 forward and not inadvertently exacerbate confusion
23 around this issue.

24 Lithium Valley, as described by the State's
25 Lithium Valley Vision is not a geographic space, it is a

1 concept developed by California State leadership to
2 refer to the potential economic hub and investment based
3 on the industrial growth of lithium recovery that
4 crosses geographic or jurisdictional boundaries. And we
5 already know that lithium extraction will be taking
6 place in Imperial County.

7 Because of this, one of the new state laws
8 around lithium extraction allocated \$5 million from the
9 state general fund to Imperial County; \$3,850,000 of
10 which must be used by Imperial County to prepare its
11 Programmatic Environmental Impact Report and a health
12 impact assessment, and support community outreach for
13 geothermal energy development and lithium extraction,
14 processing, production, and related manufacturing
15 activities within Imperial County.

16 There was originally a recommendation in the
17 draft report that the Health Impact assessment that
18 Imperial County is required to prepare with this new
19 funding also included the Eastern Riverside County or
20 the areas in the Coachella Valley that are near the
21 Salton Sea. That recommendation has been modified. It
22 still recommends a study of potential health impacts to
23 include eastern Riverside County, but it does not
24 recommend that Imperial County fund or conduct the
25 study.

1 I want to lay this out early, as I recognize
2 the confusion around these concepts, and the initial
3 draft recommendations has the ability to take a majority
4 of our time today, and we've established a tight
5 timeframe for ourselves. I'm framing this in an effort
6 to level set and help the discussion move forward.

7 Next slide, please.

8 So, to summarize the tools we will be relying
9 on today -- the proposed consolidated recommendations,
10 which includes two new recommendations. The Redline
11 draft, which addresses Commissioners' comments to date.
12 And, preliminary overview of public comments received.

13 So with that, we will move on to the
14 facilitated discussion. Lisa?

15 MS. BALLIN: Thank you, Chair Paz. Good
16 morning, everybody. For those of you who weren't at the
17 September 29th meeting, I'll just take a quick moment to
18 briefly introduce myself.

19 I am with Sacramento State's Consensus and
20 Collaboration Program, otherwise known as CCP. We work
21 with public agencies and stakeholders to implement
22 collaborative processes with the aim of improving policy
23 outcomes. My role here today is to provide neutral,
24 third-party facilitation of the Commission's discussion
25 and conversation around -- and deliberation, sorry --

1 on its report to the Legislature.

2 I will support and guide the conversation,
3 make sure that all of you have the opportunity to share
4 your perspectives, foster collaborative and constructive
5 dialogue, and assist you in resolving potential
6 differences about the report's content.

7 The goals of today's conversation under this
8 agenda item are: for you to share your feedback on the
9 draft report revisions, with a focus on the proposed
10 condensed report recommendations, to identify which
11 recommendations may warrant revision, and to understand
12 various perspectives amongst Commissioners about
13 potential further changes.

14 We will aim to explore areas of compromise and
15 build consensus around suggested changes in an effort to
16 provide staff with clear direction going
17 forward. Following your deliberations on the suggested
18 changes, and after review of comments received during
19 the draft report's public comment period, the Commission
20 will provide staff with direction through a motion.

21 To this end, a goal of the conversation we are
22 about to have is to develop clear direction on the
23 changes you would like to see in the report. Staff will
24 consider these as it develops a proposed final report
25 for consideration and a Commission vote at the November

1 17th meeting.

2 So, there's a lot of information to cover and
3 discuss today. And so, to make most efficient use of
4 our time, I would like to facilitate the conversation as
5 follows. We'll start by discussing the revised and
6 condensed recommendations, and to get an initial sense
7 of which recommendations and topics Commissioners want
8 to further discuss. I will "go around the table" so to
9 speak, I guess the virtual table in this case, and ask
10 each of you to briefly share your general response to
11 the revised report by answering the following
12 questions.

13 Do you support approval of the condensed
14 recommendations? If not, which recommendations would
15 you like to discuss? What further changes would you
16 like to make? And if possible, just briefly why you'd
17 like to make those changes?

18 We'd like to keep this initial round of
19 comments succinct. And just for the purpose of
20 highlighting your main priorities, if it's possible to
21 do that within three minutes for each Commissioner, that
22 will be great. It will allow us to maximize the time we
23 have to kind of dive more deeply into the
24 recommendations that are of interest.

25 I'll be taking notes, and CEC staff will

1 support me on that, primarily highlighting which
2 recommendations have the most interest for further
3 discussion. And once you've all had a chance to provide
4 further feedback, I'll synthesize what we've heard and
5 come up with a game plan for the deeper discussion of
6 individual recommendations.

7 The aim of that deeper discussions is to
8 understand your interests underlying the suggested
9 revisions and begin to explore how we might revise the
10 recommendation in a way that could satisfy multiple
11 interests. So, I encourage your creativity to develop
12 solutions that advance your interests, as well as the
13 interests expressed by other Commissioners, and an
14 openness to make compromises. This is a first step in
15 the goal of having a unanimous vote by the Commissioners
16 on the final report, as Chair Paz had mentioned.
17 Ultimately, the approval will be based on a majority
18 vote, but the aim is to try to achieve unanimity on that
19 vote.

20 So, we use the raise hand feature during the
21 discussion just to help avoid people speaking at the
22 same time. And again, just want to focus on substantive
23 changes to the recommendations, priority issues that you
24 would like to discuss today. Commissioners are invited
25 to send editorial comments on the report, including the

1 proposed condensed recommendations and the Redline as
2 Chair Paz mentioned, by this Friday. So, we don't want
3 to get into line-by-line edits, we really want to hit
4 your priority discussion items.

5 So, with that, I will open it up and let's
6 start with Chair Paz and we'll get just like your brief
7 response. I'll remind people of the questions. Do you
8 support approval of the condensed recommendations? And
9 if not, which recommendations would you like to discuss,
10 what further changes would you like to make?

11 And actually, I do want to ask -- does anybody
12 have any questions before we go ahead? So, I see
13 Commissioner Olmedo, did you have a question about the
14 process?

15 COMMISSIONER OLMEDO: No, I don't have. I can
16 bring my hand down, that's where we're at. I did have
17 some question-- I did have some input on the actual
18 content.

19 MS. BALLIN: Thanks. Yeah, we'll be going
20 around. I just want to call people in the order that I
21 have them. So, Chair Paz?

22 CHAIR PAZ: There we go, sorry, I was muted. So, thank
23 you. Again, overall, I think reducing the
24 recommendations to 23 feels more accessible. I -- my
25 first impressions, and I might come back after I hear

1 other Commissioner's comments. But, on recommendation
2 number six, I would like to discuss that one a little
3 bit more. And it's probably just a simple fix. On this
4 one, when I read leveraging existing support for
5 research, does not necessarily -- for research and
6 development -- does not necessarily ask for increased
7 R&D support. So, I would like to see if we could
8 discuss that one.

9 The other one that I would like to discuss a
10 little bit more is number three, that's under economic
11 development. The economic development zone, I believe
12 this is one of the new ones. So, would just like to
13 discuss it in light of what Commissioner and Vice Chair
14 Ryan Kelley had submitted to us, which was a lot more
15 detailed than what's here.

16 So that's it too, for me to start.

17 MS. BALLIN: Thank you so much, Chair Paz.
18 Let's go next to -- oh, Commissioner Castaneda I think
19 is out for a while. So, let's go to Commissioner
20 Colwell.

21 COMMISSIONER COLWELL: Good morning. Thanks,
22 Lisa, Chair Paz. I'll just hit on the high points as
23 suggested here. I guess in -- on my notes -- I think
24 that just broadly speaking, we'll submit all our
25 comments in writing. But I think, you know, I think

1 that we are generally in support here. I'd suggest that
2 maybe some further consolidation could be made down to
3 nineteen main points. That would be points three and
4 four, 18, and 23 be consolidated. 19 and 21, and 20
5 with 22. Again, I'll put these in writing. But
6 generally speaking, I think the only other notes, I
7 think just broadly speaking again, is you know the
8 additional health impact studies, I think CEQA is a very
9 arduous process so I think we'll remain firm on that.

10 You know about the enforcing of PLA's and
11 CBA's, I mean, we already have those arrangements in
12 place, so I think that's a, you know, something that
13 we'll not support. And just basically doubling up on
14 the very arduous process for the sake of time under
15 CEQA, broadly speaking, again. But again, Lisa, Chair
16 Paz, we'll put these in writing as submitted before.
17 That's all, all I have to comment on at this stage.

18 MS. BALLIN: Thank you. Can I ask you, which
19 recommendation number? You mentioned there was one that
20 you would have an issue supporting? You mentioned the
21 topic, but are you able to identify a specific
22 recommendation number?

23 COMMISSIONER COLWELL: Okay, so, well point
24 one we agree, point two we agree, consolidation of
25 points three and four -- bear with me. Five, a little

1 bit more work on five. Six, we agree. Seven, we agree
2 in principle.

3 MS. BALLIN: You can just point out the ones
4 that you want to discuss further, if you'd like. And if
5 you need more time, I can come back to you.

6 COMMISSIONER COLWELL: You may just circle
7 back, but okay.

8 MS. BALLIN: Yeah, circle back.

9 COMMISSIONER COLWELL: Okay. Yeah.

10 MS. BALLIN: I'm just trying to highlight
11 which are of interest, and then we're going to see. I'm
12 going to try to synthesize all of that and figure out
13 which ones we want to focus on. So that was the purpose
14 in asking that.

15 COMMISSIONER COLWELL: Alright.

16 MS. BALLIN: Let's go to Commissioner Dolega
17 next.

18 COMMISSIONER DOLEGA: So, just a maybe comment
19 at a high level. I think generally probably agree with
20 what Rod said on the CEQA process and putting additional
21 or potentially any additional burdens on the development
22 of the industry over there. So, I think some of it
23 could use some clarity or some of the part -- some of
24 the points there, I'm not sure if they would create
25 additional processes for the developers there to follow.

1 It was a little bit unclear as I was reading through it.

2 And then, I think the only other item is -- so
3 I think number five, I was just not clear if this would
4 be a recommendation to go for a percent tax versus a
5 kind of a fixed rate tax on the industry. So maybe just
6 clarifying that point. And I think otherwise, you know,
7 at a high level, I think the reduction in points was
8 good.

9 MS. BALLIN: Thank you so much. Commissioner
10 Flores?

11 COMMISSIONER FLORES: I think generally agree
12 with everything, all the recommendations sent forward so
13 far. I had a few questions just like on recommendation
14 12, just to see what that would look like or where the
15 funding would come. Because I'm not sure if those are
16 kind of more specific or if that's the kind of
17 conversations we'll continue to have. Thank you.

18 MS. BALLIN: Thank you so much.

19 Commissioner Olmedo?

20 COMMISSIONER OLMEDO: I think this would apply
21 overall, but I think it's important to have definitions,
22 because I keep hearing about County Health Assessment,
23 Health Impact Assessments. It's still unclear as to
24 what the impacted communities are despite the fact that
25 I've asked for a long time, since the onset of this

1 process. And I still don't have a definition as to what
2 the radius of the impact is.

3 When the Sentinel power plant was built in
4 Desert Hot Springs, we were given a six-mile radius.
5 And to-date we have not been given anything by the CEC
6 or any CalGEM or anyone else as to what does the impact
7 look like? Because we're leaving it up to advocates to
8 really define what that looks like. And my concern is
9 that we continually ignore the fence line communities.
10 So, I think it's about time that we get definitions in
11 there before we conclude any process.

12 MS. BALLIN: Thank you so much. Commissioner
13 Ruiz?

14 Are you muted, Commissioner Ruiz?

15 COMMISSIONER RUIZ: Yes, can you hear me now?

16 MS. BALLIN: Yes, we can.

17 COMMISSIONER RUIZ: I think, you know, the
18 only addition that I will bring to the table in addition
19 to what has been said is to be more concise and defined.
20 Like let me give you one example. The additional
21 environmental assessments in addition to CEQA. I think,
22 you know, it needs to be defined in order to understand
23 what the, I think, in favor of the industry and in favor
24 of the communities, I think we need to know exactly to
25 make it more explanatory and avoid, you know, this vague

1 language. But I'll come back to you with a little more.

2 MS. BALLIN: Thank you. Commissioner Scott?

3 COMMISSIONER SCOTT: Yes. Again, I had spoke
4 with Commissioner Vaccaro. And we said that it would be
5 best if we can receive comments on the draft report
6 prior to November 7th. We wanted an extension up to the
7 7th. So, there's a lot more that we still want to review
8 and look at.

9 And again, we've been trying to work with
10 Imperial County. We had a lot of questions, we had a
11 lot of comments. And since then, we have not received
12 any of those back yet. So, we really need to try to
13 have Imperial County work with the tribe. And kind of
14 efficiently to get some of those answered. And it's
15 been quite some time now, and we've been trying to meet
16 with them. But somehow, you know, that hasn't happened.

17 And then another thing that I want to mention
18 is that, you know, they talk about Known Geothermal
19 Resource Areas. Now, I don't know if it's been talked
20 about, or if it's been docketed or anything like that,
21 but it's not just only the Salton Sea area that we're
22 talking about you know the lithium. But we're also
23 talking about Glamis area and also the dunes. And seems
24 like that hasn't been mentioned.

25 So, is that something that eventually is going

1 to come up and they're going to try to extract that,
2 minerals from those areas? And so that would be another
3 impact and I haven't heard anything relating to that, so
4 I don't know if that's something that already had been
5 talked about? We've talked about it maybe I've missed
6 it? But that's something that I think some of our
7 tribal members are really adamant about looking at,
8 because it kind of impacts into there -- into our
9 ancestral areas. So again, you know, I just wanted just
10 to kind of bring that out.

11 And again, with Courtney Coyle, I think she
12 had mentioned in her docket that, you know, the tribal -
13 - they put it all together as tribal, but they have not
14 broken down as to which tribe is saying what? You know,
15 who is putting in those comments? And so, it was kind
16 of like lumped all into one, and it needs to be broken
17 up at some point. Thank you.

18 MS. BALLIN: Thank you. Commissioner
19 Weisgall?

20 COMMISSIONER WEISGALL: Good morning. Not too
21 much to add. I think that I generally agree with what's
22 been stated before. I think Commissioner Flores' point
23 on number 12 with the funding needs to be spelled out.
24 Obviously, I mean my top recommendation had been to
25 reduce the number of recommendations, so I think that's

1 a -- I think that's very good progress.

2 My three key points continue to be on this---
3 on a mandate for binding community benefit agreements.
4 Again, where is the funding? I more or less thought
5 that the taxed revenue would take care of that. And you
6 know, these undefined benefits, I think will need - will
7 need to be spelled out, or else I would, you know --
8 that needs work.

9 The -- I think I made my views clear on the
10 notion of high road jobs. I think everyone agrees on,
11 you know, we want environmental sustainability. We
12 certainly want prevailing wage, no question. No
13 question about benefits. Kind of what I know what we
14 have now for our geothermal facilities. But I think
15 that -- I think that the high road notion -- which I
16 also implies a low road notion, is something that, as I
17 said, I think does need to be deleted.

18 And as others have said, I think on project
19 labor agreements, I think that gets very touchy. We
20 certainly have them for construction, but kind of I
21 think it gets highly questionable to man-- for any sort
22 of a government agency or even a Commission like ours,
23 which is kind of a public Commission, to mandate or to
24 recommend the mandating, of forcing a private sector
25 developer employees to enter into PLAs for, you know,

1 construction and operation and maintenance. I just
2 think it's highly questionable. I don't think I think
3 it would run afoul of the law. But I've made those
4 points. So those are more or less -- those are my high-
5 level points, Lisa.

6 MS. BALLIN: Thank you so much. I really
7 appreciate everybody offering those. Commissioner
8 Colwell, I said I would come back to you. I think you
9 needed some time to go through your notes. Is there
10 anything you wanted to add? I had that you wanted more
11 work on recommendation number 4, some consol-- I'm
12 sorry. Recommendation number 5. And then you had some
13 consolidations. Is there something you wanted to add?

14 COMMISSIONER COLWELL: No, I think in general,
15 to Commissioner Weisgall's point of very similar path, I
16 think, you know, at the end, my points 12 and 13, you
17 know, adding additional layers like 12, you know, to
18 establish a centralized permitting. I mean, you know
19 CEQA, again, is a very arduous process. So I mean it's
20 -- I think globally I think it's probably the most
21 effective and there's no point doubling up. And I think
22 the same is point 13 in the report, much the same.

23 So, the rest of it, like PLA's, things that
24 we've been doing as an industry here that's 40 years old
25 and it's been doing its thing. So, I don't think I've

1 really much to add besides that to the report. And
2 again, I'll put this in writing in a little bit more
3 detail. And go from there.

4 MS. BALLIN: Thank you. Deana, I'm wondering
5 -- or CEC -- there were one or two kind of information
6 questions, and I'm wondering if it might be worth
7 getting some clarification on that? So, kind of how the
8 discussion questions are answered. One of the questions
9 was whether the KGRAs under consideration are limited to
10 the Salton Sea, or other areas might come into play?

11 MS. CARRILLO: Sure, I can provide some
12 context there. The report identifies a number of the
13 Known Geothermal Resource Areas throughout the state to
14 provide context. Where the KGRAs are, and as a resource
15 for geothermal power. The deposit of lithium is found
16 in the Salton Sea KGRA, not in the other KGRAs to my
17 knowledge or to date. So, the discussion of lithium
18 recovery is from the Salton Sea KGRA.

19 And just clarification that I'm speaking about
20 the KGRA and the name of the KGRA, not the Salton Sea as
21 a body of water.

22 MS. BALLIN: Thank you. The other thing I
23 think might be helpful to clear up is, there was a
24 question -- and we might get into this when we get to
25 the pertinent recommendation. But, there's the question

1 about whether the current -- the proposed condensed and
2 revised recommendations require requirements beyond CEQA
3 or not? And I thought it would be useful to just have
4 some clarification, because I know there was some
5 changes made on that. And you're muted, Deana.

6 MS. CARRILLO: Thank you for that. I would
7 encourage all of the Commissioners to review the
8 consolidated recommendations, because they address
9 several of your comments that the Energy Commission saw
10 unanimity in, excuse me. I think there are some other
11 issues where the Commissioners are not like minded, and
12 that is going to involve a discussion.

13 Specific to CEQA requirements -- CEQA is
14 addressed in recommendation 19, 22, to both balance the
15 information that we have been receiving and the public
16 comment receives -- that the Commission has been
17 receiving on concerns related to the existing
18 environmental justice issues in this area and to balance
19 that approach, but also not creating too much of a
20 burden. So, if folks want to connect and take a look at
21 those two recommendations, both 19 and 22, it would be a
22 good use of our time together today.

23 MS. BALLIN: Thank you, that's really helpful.
24 So, what I think we should do now is run through the
25 recommendations. I wasn't able to real time translate

1 each of the comments, you know, into the recommendation
2 list. So I want to make sure I don't miss anything, and
3 so I thought what we'd do is we'll go through each
4 recommendation. I'm pretty sure most of them are fine
5 as is, because I just heard a few recommendations of
6 interest, but I want to make sure I capture everything.

7 Before we do that, Commissioner Olmedo, did
8 you have a question in response to Deana's explanation?

9 COMMISSIONER OLMEDO: Yeah. So, it's really
10 hard to -- some of these -- I just want to read a list.
11 And I can put it in the chat too if that's appropriate.
12 But um, there are certain buckets of opportunities that
13 I see here that I'm sure are not going to be in
14 agreement with all. But some of them are clearly
15 addressed, others are not. And I believe that that goes
16 back to my original comment about it's unclear as to the
17 definitions, and so then we sort of have this sort of
18 broad spectrum of thinking of what it is that we want.

19 But I want to just put it in simple words.
20 You know, one being PLAs, which is in there. Community
21 benefits agreement, I think a lot of times that that is
22 seen as the same thing. And to some extent there may be
23 overlap, but community benefits are those expected from
24 the community outside of what labor negotiates, you
25 know, through their PLAs, also known as CBAs. But a CBA

1 with the community itself outside of that process.

2 Also, the -- and I've said this before, I know
3 it's going to be unpopular. But let's not forget that
4 the Known Resource Area has -- is sitting on public
5 lands in public patrimony. I've never, I've seen
6 nothing that defines patrimony or public interest. And
7 so, again, I like to bring back the idea of profit
8 sharing. It's not an unknown idea. I've always known
9 that areas like Alaska has some type of models. I don't
10 know if there's other areas or other countries that have
11 implemented such a model. But I believe that that's
12 important to bring in as both in definition and as
13 recommendation.

14 And then, mitigation, which is another
15 difference. Right? Sometimes these things get
16 convoluted, and there's like, hey, this -- do a one-time
17 payment, you know. And I'm just saying that just, you
18 know, figuratively. But mitigation is a whole -- it's
19 its own, you know. That can be part of the CEQA, NEPA,
20 PEIR, or Specific Plan, you know. Whatever model that
21 gets approved. But everybody knows we're going to go
22 through a PEIR and Specific Plan process. But
23 infrastructure and impacts are its own separate
24 negotiation. And again, that, you know, what are the
25 impacts going to be overall?

1 And I just want to just, you know,
2 respectfully support, you know, what the tribes'
3 concerns would be, and certainly look to them to tell us
4 what things we need to be concerned about.

5 MS. BALLIN: Thank you. So, let's go through
6 the recommendations and see how those apply, or could be
7 weaved in, or if you're suggesting an additional
8 recommendation perhaps. I think it would be helpful --
9 is it possible to put up on the screen?

10 We'll just start with recommendation one. I
11 don't think I heard any concerns on that one, but just
12 want to double check. I think there were no comments on
13 that. If anybody has any question or comment on
14 Recommendation 1, I'll read it while we're putting it on
15 the screen. That's the one to establish a Lithium
16 Valley priority permitting process that includes
17 additional agency support for projects identified as
18 essential to growth of Lithium Valley. Commissioner
19 Olmedo, did you have a comment on that one?

20 COMMISSIONER OLMEDO: I do. When you say, "To
21 the growth," again, it's very unclear what exactly that
22 is communicating.

23 MS. BALLIN: So, comment is please define.

24 MS. CARRILLO: Can I ask a follow up question
25 there just to -- in an effort to get clarity,

1 Commissioner Olmedo? So, I think one of the issues or
2 challenges that we have found in supporting this body's
3 work, is that there are specific projects. And there is
4 a broader mandate to look at lithium recovery within the
5 state of California overall as an economic hub. So,
6 this provision, and I should actually send it to
7 Commissioner Colwell because this recommendation was at
8 -- is new at his request, for our discussion.

9 But, understanding that growth is vague, and
10 in our effort to add specificity, would your thinking be
11 to be specific to lithium recovery projects? Or the
12 ecosystem around this economic hub that is anticipated
13 to grow with economic development? I'd just like to
14 call out some more specific direction or to tease out
15 that question to facilitate this discussion. And what -
16 - I think it could be many things. So, if we want it to
17 be specific, maybe I'll send it to Commissioner Colwell
18 and then any other Commissioner of what we think this
19 needs to be, whether specific to a geothermal and
20 lithium recovery project, or something broader.

21 MS. BALLIN: Thank you, Deana. We'll take
22 Commissioner Olmedo, and then Commissioner Weisgall.

23 COMMISSIONER OLMEDO: Yeah, I don't want to
24 take too much space. I'll have to think about what that
25 recommendation would be.

1 MS. BALLIN: Commissioner Weisgall?

2 COMMISSIONER WEISGALL: Maybe one way -- I
3 think I know what you might be getting at, Commissioner
4 Olmedo. And what do you think about projects identified
5 as essential to the responsible growth of Lithium
6 Valley, or something like that? Is that a concept
7 you're getting at in terms of what growth means?

8 COMMISSIONER OLMEDO: Yeah. Thank you,
9 Commissioner Weisgall. It's just growth, it's just not
10 clear. Are we talking about an -- sort of a California
11 becomes Lithium Valley? The U.S. becomes Lithium
12 Valley? Are we talking about sustainability? Are we
13 talking about efficacy? I don't know, it's just --
14 growth just seems to be very broad. I feel like it
15 needs to be followed with more specificity. Sometimes
16 defined as sort of having metrics, measures and metrics
17 I would have thought.

18 COMMISSIONER WEISGALL: Well actually, you
19 came up with another adjective, which would be
20 sustainable growth of Lithium Valley. I mean, we're not
21 defining Lithium Valley because we obviously -- I'm not
22 sure we've got agreement there. But we certainly know
23 that Lithium Valley, you know, does not include -- we
24 know it when we see it, so we sort of have a sense of
25 the geographic stretch. I think that you're getting at

1 the notion of -- is this going to be -- what kind of
2 growth are we looking at?

3 So again, just my points there would be either
4 responsible growth or sustainable growth might address
5 some of those concerns. Thanks.

6 COMMISSIONER OLMEDO: Yes, Commissioner. Just
7 in all fairness and full transparency, you know, we have
8 been meeting for months now, and I still feel that it's
9 been sort of a struggle an uphill battle when it comes
10 to uplifting and putting in the forefront the fence line
11 communities. And that's a very well-known terminology,
12 many communities throughout this entire country have
13 faced discriminatory policies that have neglected to
14 address the fence line, the close proximity.

15 And so, these words can make a big difference
16 when we talk about growth. I think we need to recognize
17 that there are fence line communities that need to
18 always be part of the conversation first and foremost
19 any type of localization, growth, expansion. And so, I
20 would say that we should be generously decorating this
21 entire document with that, because that's one way that
22 we can reverse the harm, and proactively prevent the
23 harm that we have known throughout history. So that's
24 where I'm coming from, Commissioner Weisgall. Thank you
25 for your recommendation.

1 MS. BALLIN: Thank you. Let's go to Chair
2 Paz.

3 CHAIR PAZ: Yes. I think what Commissioner
4 Olmedo's comments pointed out to me in terms of the
5 vagueness of growth in Lithium Valley is -- so, if I
6 took the phrase, "Growth of Lithium Valley," I'm
7 reminded that in the report, Lithium Valley is a
8 concept, and it's a concept of the ecosystem beyond the
9 extraction of lithium that is -- has been the focus of
10 our conversations, particularly the extraction of
11 lithium from Imperial County.

12 So, when we say the growth of Lithium Valley,
13 it's reading -- interpreting it directly would mean that
14 we want to expand this concept. Right? And a concept
15 that's already vague in itself. So, then my question
16 would be if we're talking about support for projects
17 that are identified as essential to extraction, for
18 example, that would be more direct. Or are we talking
19 about essential to the supply chain? So now, we're not
20 just talking about the extraction, but we're talking
21 about maybe the manufacturing or the cathode. Or are we
22 talking about the research and development phase, right,
23 as well?

24 So that's the type of specificity that I would
25 like to see. And maybe delete Lithium Valley from here,

1 because any time I see Lithium Valley I'm going to think
2 about the concept per what's in the report.

3 MS. BALLIN: Thank you. Commissioner Ruiz?

4 COMMISSIONER RUIZ: Yeah. I think, you know,
5 this is probably also related to Items 3 and 4. I think
6 it is important if we define what it is that we are
7 recommending as we establish, you know, the Lithium
8 Valley. And I think, you know, it is important that we
9 have this conversation, because we need to make a
10 difference between lithium extraction and the lithium
11 economic area. Right?

12 And I think, you know, some of the reaction I
13 think is based on, you know, that we are not making, you
14 know, that distinction. But I think it is important if
15 we make the recommendation, because I think, you know,
16 this is related to Items 3 and 4, as we establish the
17 economic development zone. Who will -- I mean, it is
18 vague right now. And if we recommended who is going to
19 establish it? Who is going to define what the -- what
20 this zone, what the region is?

21 And I think, you know, that's why I think it
22 is important that we define what is it that we are
23 recommending. I know that in the last conversation we
24 had it was rather, you know, not divisive, but you know
25 it was -- we couldn't agree on what the Lithium Valley

1 really meant.

2 So, I mean, if we're talking purely from the
3 lithium extraction, you know, it will be the Imperial
4 County no doubt about that. Right? But if we are
5 talking about the lithium economic region, I think you
6 know that we definitely gotta be more inclusive in that.
7 So, I think, you know, that it will help, you know, to
8 make perhaps you know that to define it more concise,
9 and to -- yeah, so that we can make our recommendation a
10 little clearer.

11 MS. BALLIN: Thanks. So, it sounds like what
12 I'm hearing is that the term Lithium Valley is causing
13 some confusion and this recommendation are maybe adding
14 more questions than it's answering. So, what I'm
15 hearing is perhaps we would advise then to just
16 establish a priority permitting process that includes
17 additional agency support for projects. And then we
18 need to define what those projects are in terms of what
19 categories, or we just define projects that are seen as
20 essential for responsible or sustainable growth and we
21 identify who determines that. Does that kind of
22 summarize what we're hearing?

23 And I also want to give Commissioner Colwell a
24 chance, since you -- as Deana mentioned, you were the
25 one who suggested that, if there was something that you

1 had in mind that we're missing here. So, let's go to
2 Commissioner Colwell and then Commissioner Olmedo. And
3 then perhaps we could try then move on to the next
4 recommendation.

5 COMMISSIONER COLWELL: Thank you. Yeah, look,
6 I think further definition could be added here. I mean
7 the purpose of Lithium Valley is not to export lithium
8 products to China, right? That's the whole point of
9 this. So, to expedite a supply chain that's still being
10 figured out, like cathode to battery cells to precams,
11 and any ancillary uses -- the way I see it, is Lithium
12 Valley, I mean broadly speaking.

13 So, and it's to encourage and track business
14 where, you know, in simple sense to, you know produce a
15 lithium product, then convert that using renewable
16 energy and local jobs and, you know, economic impacts
17 and positives is how we've seen Lithium Valley. Now,
18 ancillary means outside of that could be all of
19 California or everywhere else, but really, I think the
20 mechanical process is producing a brine, renewable
21 electricity, taking that brine, converting lithium
22 product, then taking that to precams, to cathode, then
23 to battery itself, is this intent of this by the state
24 and certainly the -- as the feds stated as well.

25 I mean that's how we see it, just makes common

1 sense. So, it's an industry itself. It's not just a
2 product and I think we'd be crazy to export, you know,
3 lithium products out of the valley and the valley
4 missing out.

5 MS. BALLIN: So, perhaps it's something to
6 support projects consistent with the purpose and vision
7 of Lithium Valley --

8 COMMISSIONER COLWELL: Yeah.

9 MS. BALLIN: -- such as a domestic source of--

10 COMMISSIONER COLWELL: Battery, battery.

11 MS. BALLIN: Something to that extent.

12 COMMISSIONER COLWELL: Battery supply chain.

13 I think the language of, you know, the known language
14 of, you know, the revolution going across to batteries
15 from ICE vehicles, you know that's to support of Lithium
16 Valley, that's its whole intent. We just happen to have
17 this great big resource. And again, is to try to create
18 a supply chain that really doesn't exist anywhere, not
19 in one location, and this location is probably -- that
20 really sums it up well.

21 MS. BALLIN: Thank you. I think we've got
22 some good direction. First then I'm going to take
23 Commissioner Olmedo, and Deana I just wanted to check
24 that you about what you need in terms of, you know, how
25 you might want to revise this recommendation.

1 Commissioner Olmedo?

2 COMMISSIONER OLMEDO: Yeah. I put on the chat
3 -- I'll read it. But just hoping that this might be
4 something that could gather support. I want to start
5 with the word essential to the sustainability of Lithium
6 Valley and the broader ecosystem that may go beyond the
7 boundaries of Lithium Valley, or you can say that is
8 expected to grow beyond the boundaries of Lithium
9 Valley.

10 MS. BALLIN: Thank you. Okay, so I think
11 yeah, I think we've got some good input here. I just do
12 want to note as Chair Paz's clarification earlier, that
13 Lithium Valley is not defined with geographic
14 boundaries, but we could say the Lithium Valley vision,
15 or something to that extent.

16 So, I think we should move on to the next
17 recommendation, unless Deana you have further questions?

18 COMMISSIONER OLMEDO: I did. I know that that
19 is the way that it's being interpreted. However, the
20 reason we're here is because it's not specific enough,
21 and we're here to make that interpretation as well.
22 Again, you're going to hear my comments based on the
23 fact that I was put here to assure that disadvantaged
24 community is represented. In this case the best
25 baseline that I can take is making sure that the fence

1 line community is not overlooked, or is somehow is not
2 being, you know, hopped over without putting them front
3 and center. And then, of course, recognizing all other
4 disadvantaged, environmental justice communities.

5 As this expansion grows and the impacts
6 potentially reach other communities, whether it's
7 through traffic or other supply chain, infrastructure,
8 then we need to address those as well as these.

9 MS. BALLIN: And there are some
10 recommendations that do have boundaries, so I definitely
11 want to note those for when we get to that. But I just
12 want to go to Chair Paz and then see if we can move to
13 the next recommendation.

14 COMMISSIONER OLMEDO: I understood it's been
15 pretty clear, like over and over, you know. I
16 understood it as the Lithium Valley being Imperial
17 Valley. And I just have to go back, and I think two
18 people who can really help us understand that is Chair
19 Hochschild, from the California Energy Commission, as
20 well as Assembly Member Eduardo Garcia. Because it was
21 my understanding that when they envisioned this bill,
22 they were thinking about Imperial Valley.

23 But I understand that, you know, maybe at that
24 time there wasn't a thought that the supply chain and
25 the impacts may go even beyond the boundaries of

1 Imperial Valley. So that definitely -- there is no --
2 we cannot ignore the impacts that may be there to any
3 environmental justice community or disadvantaged
4 community. But it's my understanding that I go back to
5 what I understood they understood was that they were
6 negotiating the bill, that language, that it was
7 specific to Imperial Valley.

8 MS. BALLIN: Thanks. Chair Paz?

9 CHAIR PAZ: Yes. I want to recognize this
10 tension, again. Because it -- when this Commission was
11 put together, right, the state already had a Lithium
12 Valley vision, which in the report is explained as a
13 concept, and that's what I've been referring to. And
14 only because that's -- my framework is the report, so or
15 what's in the report right now.

16 So, and that is something that sort of was
17 prescribed before this Commission was put together,
18 because my understanding was the conversations of
19 lithium, potential lithium extraction, were happening,
20 right, before we were brought on board. And I don't see
21 -- I thought I had seen Commissioner Vaccaro earlier,
22 but I discussed the same question with her when I first
23 saw the report. And that's what she had explained.

24 Now, the tension that I'm hearing, however, is
25 that there might be some in this Commission who don't

1 want to necessarily prescribe to what the state had done
2 before this Commission was brought together. And maybe
3 this is going to be one of those items that need to be
4 voted on by the Commission. A, do we accept what the
5 state put forward in this concept before us and called
6 it as Lithium Valley? Or do we change the meaning of
7 Lithium Valley to only -- to refer to a geographic area
8 versus a concept that the state has. Right?

9 And I think that's something maybe that we're
10 going to have to decide on so that this conflict doesn't
11 continue. Because when I do hear Commissioner Olmedo or
12 when I hear Vice Chair Kelley talk about Lithium Valley,
13 they are talking Imperial Valley, what's happening with
14 the extraction. But again, it's -- that's what I think
15 is creating the tension. So, we need to resolve that at
16 some point.

17 MS. BALLIN: And if I can --

18 COMMISSIONER OLMEDO: Madam Chair --

19 MS. BALLIN: Oh, go ahead, Commissioner
20 Olmedo.

21 COMMISSIONER OLMEDO: Yeah, Madam Chair --
22 yeah, and I think maybe it's just in the way that we're
23 looking at it. I just want to clarify that in the way
24 that we're trying to document these boundaries, are
25 based on experience, having dealt with the elders in the

1 environmental justice movement that have fought hard
2 these battles of where there has been, you know, we know
3 it as in the political world as gerrymandering, where
4 certain communities have been benefitting while leaving
5 other communities that have lack of representation, lack
6 of resources, to participate, end up getting the short
7 end of the deal over and over again.

8 That is why at some point over ten years ago,
9 we worked together. You know, you included Chair Paz,
10 where we could grow the boundaries of environmental
11 justice at the time that the Sentinel Peaker Plant was
12 being built, because those dollars were already labeled
13 and postmarked to go somewhere else.

14 And it's the same concept here. It's not to
15 leave anybody out, but it's to assure that -- oh, and at
16 the time, I remember there was 30 percent of those
17 dollars that were going to go to a six or eight mile
18 radius. And, you know, I was a little bit of a bitter
19 pill because those dollars were certainly used -- could
20 have been more useful 100 percent invested in the Desert
21 Hot Springs. But, you know, it also encompassed the
22 wealthy communities of Palm Springs, who have a lot more
23 resources to be able to mitigate these harms.

24 But, but look. That was the radius, and I
25 think in all fairness, that's the way that at that time

1 that was designed. And it's not about, you know, like
2 drawing boundaries for the sake of saying hey, it's me
3 versus you. It's never been about that. But it's about
4 making sure that in this case, where the extraction is
5 going to happen, that the disadvantaged communities,
6 which predominately Imperial Valley, but for the
7 exception for one tiny city, are disadvantaged
8 communities. And so -- and I recognize that the Eastern
9 Coachella also is an environmental justice community.
10 And so, I wish no harm to any community. If there is --
11 say in a scenario where there is waste generation, I
12 don't want that waste generation to end up in any
13 community whether it be here or Arizona, or anywhere in
14 the entire California or U.S..

15 So, for the sake of making sure that we don't
16 overlook the disadvantages and the opportunities for a
17 poor community like the Imperial Valley, want to make
18 sure that yeah, we are looking at making sure we are
19 drawing these boundaries. But we're strategically also
20 not ignoring other areas that may see impacts or
21 opportunities as well.

22 So that's the reason as to why I've been
23 adamant in making sure that we define this correctly.
24 But it's never been about leaving anybody out.

25 MS. BALLIN: Thank you. And with the

1 understanding of that background, I'd like to move us to
2 Recommendations 3 and 4. And I'm sorry, Chair Paz, did
3 I -- did I -- was there something --

4 CHAIR PAZ: I was just going to say we're not,
5 or at least I'm not interpreting any of what you're
6 saying. I'm just calling out the tensions that I'm
7 seeing and agreeing that we need to resolve those,
8 however this Commission decides. So, Commissioner
9 Olmedo, again, I'm not interpreting it as being divisive
10 or any of that sort. It's just -- it's a tension that's
11 been there since we started. So.

12 MS. BALLIN: Thank you. And I think that the
13 tension also relates to this notion of what's the
14 purpose of a boundary? And I think most of the
15 interests have to do with wanting to make sure that
16 benefits are appropriately allocated to the areas that
17 are impacted. So, I think that we should move to item -
18 - Recommendations 3 and 4, because those are suggestions
19 of where specific zones and boundaries might be defined
20 in order to make sure that the appropriate regions, you
21 know, get the funding or the economic benefits that are
22 warranted. So, let's keep that concept in mind as we go
23 through the recommendations, and then we'll we can come
24 back to it later if that's okay.

25 So, we've got perfect timing here because

1 Recommendation 3 was added by Commissioner Kelley and I
2 see that you're on now, so welcome. So, I'm not sure --
3 are we able to -- would you guys want us to put these
4 recommendations up on the screen? Or do you all have
5 the copies in front of you?

6 CHAIR PAZ: They're on the screen.

7 MS. BALLIN: Oh, yep. Oh, sorry. I have mine
8 -- I have my Zoom set to have that separated so I can
9 see that that was on there. Thank you so much.

10 Okay. So, Recommendation number 3. I did
11 hear some comments in the roundtable about whether or
12 not this -- more specificity should be put to this
13 recommendation? As background, this was a
14 recommendation that's new. And it was suggested by
15 Commissioner Kelley. And when he submitted the
16 recommendation to add this, he had some specifics. And
17 so, one of the issues is to discuss whether or not
18 people agree with the addition of this recommendation,
19 and if we want to add more specifics or if there are any
20 other concerns. So, I'll open it up to any - any I want
21 to let Commissioner Kelley speak first, since you
22 suggested that, and then other hands raised.

23 VICE CHAIR KELLEY: Thank you, Lisa. So, they
24 -- the idea behind an economic zone, federally and state
25 supported, that would hopefully alleviate what I walked

1 into, I think, the definition of Lithium Valley. So, a
2 southeastern California economic zone that has the
3 benefits of seeing economic development occurring in
4 Coachella Valley. I also see Palo Verde Valley, and
5 Imperial County.

6 Anything that Riverside County would be able
7 to offer on top of what those zones include would be to
8 their benefit. And anything that Imperial County would
9 be able to offer on top of those federal or state
10 programs would be to our benefit. Not taking away from
11 anyone's jurisdictional ability to see development. And
12 not crossing the line of what Lithium Valley is.

13 So, I'm hoping that this is -- as our last
14 meeting in September that asked if I would put something
15 together that we could discuss, that we create an
16 economic zone federally and state supported, to see the
17 opportunities of manufacturing and value added occurring
18 in this corner of California.

19 MS. BALLIN: Thank you. And I think it might
20 be helpful -- we have the specifics that you had
21 suggested. Maybe it would be helpful to put that up on
22 the screen so that people can get a sense of what this
23 economic zone would entail? Not necessarily that the
24 specifics would be nailed down, but just to get more of
25 an idea of what you had in mind.

1 VICE CHAIR KELLEY: Sure. That would be
2 helpful, Lisa.

3 MS. BALLIN: Yeah.

4 VICE CHAIR KELLEY: I know that, I mean I took
5 ideas from other jurisdictions across the country and in
6 decades past. But it's surely not representative of all
7 inclusive. I would expect that this would be added to,
8 or defined with more relevance today.

9 MS. BALLIN: Yeah. So definitely two things
10 we want to address here. One, does everybody agree to
11 including a recommendation, you know, to this effect, of
12 creating this zone? And two, do people want more
13 specificity identified within the context of the report.
14 I think if we do want more specificity, we might have to
15 delegate, you know, time for that. We'll see if we have
16 time to get into that. But it would be good to have the
17 direction of whether or not -- number one, there's
18 agreement on including the recommendation. And number
19 two, if you want the report to be more specific.

20 So, Chair Paz?

21 CHAIR PAZ: Yes. Thank you for this. I do
22 think that this has the potential of getting us closer
23 to those distinctions we've been talking about in this
24 Commission. Because again, when I hear Ryan Kelley talk
25 about Lithium Valley, I think he is talking -- I'm

1 almost sure that he's talking -- about Imperial County,
2 the extraction, right, that's happening with the lithium
3 and getting that commercialized, to market, and the jobs
4 associated and the benefits staying in Imperial County.

5 So that's -- I just want to say that's what I
6 hear when I hear Lithium Valley from him and from Mr.
7 Olmedo. And then this goes on to the broader -- and I
8 think Frank Ruiz mentioned this earlier. He said the
9 economic, right? Like the economic -- he didn't call it
10 a zone, but distinguished it between the economic
11 development versus the Imperial Valley.

12 So, what I -- so again, I think this is a step
13 in the right direction in helping us not mix one with
14 the other and still addressing some of those things that
15 would prepare this region to more accurately compete for
16 other opportunities, other fundings that would support
17 this in terms of state and federal dollars that might be
18 available. It would increase our competitiveness as a
19 region, outside of the extraction again.

20 I do think that in getting to the specifics,
21 we could take the definition that we utilized under our
22 letter to CERF, to define what this zone is going to be.
23 And that definition does include all the way to Blythe,
24 so the places that Ryan just mentioned. In addition to
25 the geographic areas, I think there are other incentives

1 that are needed within the zones. I think again, Mr.
2 Kelley, Vice Chair Kelley does capture very well those
3 tax incentives that would help the development of the
4 associated industries. But I think we should also be
5 talking about incentives within the zone that helps
6 workforce.

7 So, for example, childcare, housing,
8 transportation, and healthcare. Right? Those are
9 things that should be incentivized along with any tax
10 credits, so that we have a workforce that will be able
11 to -- a local workforce, right, that will be able to
12 participate in these markets.

13 I do think we also need to include a R&D,
14 maybe a University of California research center that
15 would be able to continue to help this region, this
16 economic zone, expand and grow and strengthen, again,
17 the research and development side.

18 What else. I think we should also be
19 including incentives around labor. So far, there are,
20 you know, already apprenticeships very heavy in the --
21 or very experienced in the construction phase. But we
22 should also be incentivizing the types of
23 apprenticeships for these other sectors that we
24 envision. Right? So, including those incentives as
25 part of this would get us to a more rounded set of

1 incentives that would not only directly support people
2 wanting to go into this industry in terms of developing
3 the industry, but also supporting our community members
4 so that they can participate within the industry a lot
5 better.

6 So those are my comments.

7 MS. BALLIN: Thank you. Commissioner Olmedo?

8 COMMISSIONER OLMEDO: Yeah. Hi. I think
9 we've -- I was still at the comment of Vice Chair
10 Kelley, and then we just jumped over that. Well, I
11 wanted to go back to the spreadsheet, no that's okay --
12 to point number three.

13 MS. BALLIN: I'm sorry, to the recommendation
14 on the screen?

15 Hold on one minute, we're pulling that up.
16 And so, and just while we're pulling that up, so the
17 reminder is just wanted to see if there's -- if anybody
18 has any concerns about including this recommendation?
19 And also, if we do include it, do you want more
20 specificity included in this report?

21 COMMISSIONER OLMEDO: Okay.

22 MS. BALLIN: The recommendation is up.

23 COMMISSIONER OLMEDO: So, the -- I did want to
24 drive one point -- is, just kind of try to lay it to
25 rest. But I did -- it was brought up to my attention

1 that the stat never really consulted Imperial as to what
2 it thought about the Lithium Valley. And therefore,
3 Imperial has been imperious, I would say in general, as
4 a whole, has been proactively and reactively trying to
5 communicate that. You know, the definition of Lithium
6 Valley as we see it. And so, I know that we keep going
7 back to the broad definition. And so that therefore
8 given the area that Imperial will be extracted, I think
9 that it would be common courtesy to give Imperial an
10 opportunity to define that as well.

11 But on point number three, I just wanted to
12 add that it would -- I would like to add CERF as being a
13 model as to establishing a Regional Economic Zone center
14 around public-private partnerships. And I kind of quite
15 detailed the verbiage here, but I would say CERF could
16 be sort of a new way of doing economic development in
17 our communities. Right?

18 And so, I would say also as defined as, you
19 know, by CERF. Community Economic Resilience Fund has
20 come up with some envisioned outcomes to that, and I
21 think that you know the public-private partnership is
22 pretty status quo, kind of traditional in a way of doing
23 economic development. And we've seen sort of the
24 impacts of that, which is it leaves a lot of community
25 participation. Exactly what we're doing right now,

1 right? It's like we're trying to define an area known
2 as the Lithium Valley, Imperial Valley, and I don't want
3 our selves to be recommending something that isn't in
4 the spirit of as well, making sure that it follows the
5 most recent model, which is the Community Economic
6 Resilience Fund.

7 And I will go further in saying either defined
8 by CERF, or expand the word public-private community,
9 you know, or community-based organizations. based
10 organizations. You know, we can expand that pretty
11 broadly. You know, labor being a part of that as well.
12 You know, labor unions. I don't know, it could be
13 expanded.

14 But CERF captures I think a good definition.
15 So, I would recommend that for number 3.

16 MS. BALLIN: Thank you. Commissioner Colwell?

17 COMMISSIONER COLWELL: Yeah, look. I
18 absolutely recommend Commissioner Kelley's addition
19 here, because I think California's missed out over these
20 years, meaning the other states have always had an
21 enterprise zone or an economic zone. Like you see why
22 Tesla went to Texas, and Ford went to other states. And
23 there's KNLG, and I could go on and on and on about all
24 the opportunities that were missed out as a business and
25 also as a whole community.

1 And Lithium Valley and I think, you know,
2 establishing, you know, aligning the boundaries under
3 the Programmatic EIR, the housing initiatives and all of
4 the everything that sort of stitches into it is a really
5 intelligent very well known. Plus, it's a perfect match
6 to federal funding and, you know, incentives, tax
7 abatements, all sorts of things. And it's a process
8 that's been around for many years in the state level and
9 the federal level. So, I would, yeah, completely
10 support that.

11 Just another -- just a comment. I mean maybe,
12 for the sake of, you know, it appears that some of these
13 recommendations are a little vague. But maybe a
14 consideration would be to consolidate numbers three and
15 four into one recommendation may make sense. Thank you.

16 MS. BALLIN: Thank you. Yeah, was going to
17 suggest we go to four, because I think some of the
18 topics brought up are relevant to that too. But Chair
19 Paz, did you want to weigh in before we kind of bring
20 Recommendation 4 into the conversation?

21 CHAIR PAZ: Yeah. And I'll probably
22 transition in with four in my comment. Because I wanted
23 to provide my reaction to Commissioner Olmedo. And I
24 think what he's referring to when he mentions CERF is
25 the idea of the high road economic development. Not to

1 be confused with the way that CERF divided our region
2 into geographic areas that left Imperial Valley and the
3 Coachella Valley sort of at a disadvantage. Right? And
4 we're seeing that now that we are the only two regions
5 that still haven't -- where a decision hasn't been made
6 about CERF and everyone else in the region has been
7 notified of an award.

8 So that then takes me to number four, which is
9 important. And I think they do belong together. And --
10 number three and number four I think can belong together
11 in this. And asking, again, that we're requiring that
12 the state programs do recognize us as our own economic
13 region to support competitive participation in state and
14 federal funding -- unlike CERF did. So, I, again, I do
15 think they belong together, and I think Commissioner
16 Olmedo was talking about the high roads economic model
17 and values that CERF did define. Thank you.

18 COMMISSIONER OLMEDO: Madam Chair, may I skip
19 out of turn? Stepping out of turn. But you're correct.
20 In both the CERF and high road components, minus the
21 regional boundaries that were drawn out for us. So, I -
22 - yes. Thank you for making that clarification for me.

23 MS. BALLIN: Yeah. Let's move to the
24 Recommendation 4. What I'm hearing is broad support for
25 Recommendation 3, and we got some further questions that

1 may need to be defined if we have more time or have
2 another meeting about the specifics of that zone and
3 whether or not -- the extent to which this report
4 identifies those specifics.

5 So, Recommendation 4 is also a similar concept
6 of related to economic development and incentivize and
7 investment. Does anybody have any concerns or questions
8 about Recommendation 4? As Chair Paz mentioned, the
9 purpose of this was to have an appropriate zone so that
10 the area is eligible for certain funding opportunities.

11 So, great. On Recommendation 5, I heard, I
12 think, Commissioner Colwell had a question or concern
13 about this recommendation. So, do you want to --
14 Commissioner Colwell, let us know what your -- apologies
15 for not having that up at the top of my head, what your
16 -- you said this one needed more work. And also,
17 Commissioner Dolega said that we need some more clarity
18 on this recommendation as well.

19 COMMISSIONER COLWELL: Yeah, I'll leave that.
20 I think it should -- the state should prioritize SB,
21 what was it, 125 about the study on the tax needs to be
22 dealt with, I think sooner rather than later. I just
23 haven't got the exact language. I think it was -- had
24 to be done by June 30, 2023. But maybe the only comment
25 I really had was to bring that forward.

1 MS. BALLIN: Okay, thank you for --

2 COMMISSIONER COLWELL: Thank you.

3 MS. BALLIN: -- reminding of that. And
4 Commissioner Dolega, you said you wanted a little more
5 specifics on this?

6 COMMISSIONER DOLEGA: Yeah, I was just
7 wondering if there -- you know if the Commission is
8 planning on making any kind of specific recommendations
9 on this? Or is it just a recommendation to tie the tax
10 to a percent of the ongoing market prices at the time?
11 And I think maybe just circle back to the prior
12 discussion on the enterprise zones, or things of that
13 nature. I think this ties maybe a little bit into that.
14 And just from my vantage point, it seems like there is,
15 you know, one situation where we're saying, you know,
16 the extraction should be taxed. And then in the
17 economic zones we're asking for a tax abatement. So,
18 it's kind of potentially a -- I guess I just -- those
19 are kind of confusing to me just because they're kind of
20 either contrary, or it's just a little bit muddled in
21 terms of what the recommendations are.

22 MS. BALLIN: Yeah. Looking for some clarity
23 on whether or not there are any internal conflicts
24 between tax breaks so to speak and existing taxes or
25 this recommendation. And perhaps Commissioner Kelley is

1 the perfect person to answer that with his hand up.

2 VICE CHAIR KELLEY: So, Commissioner Dolega is
3 correct. You know, on appearance first, it appears to
4 be conflict. Right? So, I'm happy to share with you
5 that what our intent, and that we will be bringing to
6 the Counties to action, is to incentivize manufacturing
7 and local sourcing of the critical material, lithium, in
8 Imperial County.

9 And we would be using a severance tax, fixed
10 cost or percentage, to go back to the producer of the
11 commodity and to the manufacturer. That will be
12 discussed in the next few months at the Board of
13 Supervisors. It may even be in November. But that is
14 our intent, and that was our intent from day one, is to
15 have a severance tax that actually gave us a tool to be
16 able to entice and incentivize manufacturing in Imperial
17 Valley. And also, to give something back for those that
18 are producing the commodity and are partnering with
19 somebody that's doing manufacturing in Imperial County.

20 So that's what we can do. But also, I will
21 let it be clear before anybody misconstrues -- we
22 wouldn't be doing that for anything that's happening in
23 Riverside, San Bernardino, or San Diego County.

24 CHAIR PAZ: So, Commissioner Kelley, because I
25 think you shared with us something that's very specific

1 to Imperial County, that Imperial County is going to
2 decide that this body is not making any recommendation
3 then. So, I just want to make that and put it aside,
4 because that's going to happen at the county level.

5 But, for the purpose of addressing the
6 question with relation to what we discussed in Items 3
7 and 4, again, I think it's not -- in the way I
8 interpreted your recommendation for the zone was not for
9 the extraction, right, it was for the associated. So,
10 manufacturing or other associated incentives. So, in
11 that case, I think it's not a -- what is it? It's --
12 its' not like we're taxing and then we're giving --

13 VICE CHAIR KELLEY: Right.

14 CHAIR PAZ: -- back the money. Right? It's
15 not a contradiction. If we're talking about not what's
16 already in place, we're talking about the associated
17 potential, other industries that could be supported.

18 VICE CHAIR KELLEY: Sure. I was trying to
19 address Roderic's concern. But yeah, the overall
20 enterprise zone, or the economic zone idea, would be a
21 blanket over Southeast California -- in Palo Verde,
22 Coachella, and Imperial Valley. That's my idea. And
23 that those would help us be able to take federal and
24 state focus on developing the manufacturing in our
25 areas.

1 CHAIR PAZ: Mmm hmm.

2 VICE CHAIR KELLEY: And also -- and then, to
3 define between Riverside and Imperial County, Riverside
4 is free to make choices on how they would make it even
5 more attractive. And Imperial would be free to make it
6 -- make conditions that are even more attractive for a
7 location.

8 CHAIR PAZ: Mmm hmm.

9 VICE CHAIR KELLEY: So, those are add -- those
10 are cream on top of the coffee, and -- or whipped cream.
11 And that idea is -- I wanted to address Roderic's
12 comment that yeah, it seems like we're taxing and then
13 we're giving back. And why are we going to give more
14 relief?

15 It is -- we have no -- so Roderic, in Imperial
16 County, we don't have much to play with. Now we do,
17 and we do want to help all these things occur. And in
18 our vision in Imperial County, we also want to help
19 anybody that's producing the commodity keep that
20 commodity in Imperial County to make a battery.

21 MS. BALLIN: Okay. Thank you. I want to make
22 sure that we have enough time to get through all the
23 recommendations.

24 VICE CHAIR KELLEY: So, I support -- I support
25 all of these ideas.

1 MS. BALLIN: Okay, great. Yeah. So, I'm
2 trying to frame this as -- I'm assuming support unless
3 people speak up with suggested changes or letting us
4 know otherwise. I just -- I just want to clarify that
5 this recommendation number five was suggested. I'm
6 sorry, who suggested this one? Just a quick question on
7 if anybody -- let us know if anybody wants any changes
8 to the wording on five, and you can feel free to do that
9 in your written comments later on.

10 Commissioner Kelley, is your hand just up from
11 before? Okay. Commissioner Dolega? A quick comment on
12 five?

13 COMMISSIONER DOLEGA: No, just on number five,
14 I think maybe you guys can think about language that has
15 some kind of tie to what global competitive rates are in
16 the industry. Right? Because I think that's kind of
17 one concern that I would have, is kind of leaving this
18 open ended or release a recommendation that doesn't
19 take into account, you know, what kind of a burden this
20 region would have vis a vis other areas that extract
21 lithium. Right?

22 And I think everybody knows the global
23 competitive nature of lithium and the advantages other
24 regions have just from a quality of resource
25 perspective. So, yeah. Just if there was maybe some

1 additions to this language in terms of making sure that,
2 you know, at the end of the day there isn't an overly
3 burdened -- burdensome tax rate imposed. Especially
4 with prices do retreat as, you know, maybe they were a
5 couple years ago. Like right now, I know it's, you
6 know, everybody's looking at this high price market.
7 But, you know, in a few years when potentially it
8 crashes back down, just want to make sure it's not
9 uncompetitive in this region.

10 MS. BALLIN: Appreciate that. Yeah, and
11 thanks for clarifying the intent of this. We just
12 wanted to call it out that it was new so give people a
13 chance.

14 I want to move us on to six, but also,
15 recognize Commissioner Hanks is here. He wasn't here
16 before. So just letting you know that we're going
17 through these recommendations. People have an
18 opportunity to give us their overall thoughts. And then
19 any recommendations that you have any concerns or
20 suggestions for further revisions. So, just to orient
21 you a little bit.

22 Commissioner Hanks, is there anything you want
23 to provide as an overall comment since you didn't have
24 an opportunity before?

25 You're muted, but feel free to chime in. I

1 just wanted to acknowledge that. So, let's move on to
2 Recommendation 6. Let's see here. We're still in the
3 same -- under the same overall topic of general economic
4 and investments. Any suggested change? I think that
5 Chair Paz in the round table mentioned leveraging
6 existing support doesn't ask for includes for R&D. So
7 that was one comment that we had. Any other comments?
8 Commissioner Dolega? Not sure if your hand was up from
9 before?

10 COMMISSIONER DOLEGA: Oh, sorry. That was
11 from before.

12 MS. BALLIN: It was before? Okay, thank you.
13 Chair Paz?

14 CHAIR PAZ: Yes. So, accurately, you
15 summarized my desire to see the increase rather than
16 only leveraging. And based on all of our
17 recommendations, is we want to make sure that these R&D
18 facilities -- and I mentioned in my discussion with
19 adding specifics to what Vice Chair Kelley had
20 mentioned. Right? Maybe the idea of the University of
21 California Research Center. But making sure that that's
22 here, local.

23 MS. BALLIN: Thank you. Commissioner Olmedo?

24 COMMISSIONER OLMEDO: Yeah. I apologize, I
25 had to step out momentarily. But I know we're probably

1 on number six by now. But I just wanted to go back to
2 five, since it's still on the screen. And it's -- I'm
3 just confused as to why number five is here, given that
4 SB 125 has already addressed this point. I'm not sure
5 how it benefits that we put it here and just -- unless
6 there's an intent to try to change what's already been
7 written into the law in regards to stimulating
8 investment, development, and innovation considering
9 indexing the volume based extraction tax and market
10 prices?

11 I think all that was settled as part of the
12 lithium bill and negotiations that happened throughout
13 the summer of this year, leading up to the end of
14 August. So.

15 MS. BALLIN: Yeah, we had some discussion that
16 this was put in to address an industry concern about
17 potential impact. And I could be wrong, but perhaps is
18 the differentiation how that tax is developed. Whether
19 it's indexed to the volume-based extraction? Market
20 prices? But, Commissioner Kelley, I'm not sure if your
21 hand up is to help clarify that? Or another comment?

22 VICE CHAIR KELLEY: I had another comment.
23 This is actually in regards to number six. The research
24 and development -- one thing that the county did call
25 out in the need for Lithium Valley for the extractor, or

1 direct lithium extraction and also any of the battery
2 manufacturing -- we need a reference lab. We need one
3 in Imperial Valley. We made that request, and I think
4 that that has to be part of this research and
5 development aspect, is that there could be, you know,
6 wherever this center is located, but it has to be in the
7 area. But there are so many needs, and Imperial County
8 does not have a water reference lab in our county
9 anymore. There's a huge deficit, there's a huge need.
10 And I think it should be outlined, or definitely
11 underlined in number six.

12 MS. BALLIN: So that's a suggested addition.
13 I want to, Commissioner Olmedo, see you hand up, but I -
14 - we have till 12:30. I do want to make sure that we
15 hit on the priority recommendations that people
16 mentioned in their overview. So, to that end, maybe we
17 can skip ahead a little bit. I can quickly check -- I
18 don't think we had comments on seven and eight. I think
19 that those were -- I didn't hear any concerns, but
20 please let me know if I didn't touch that.

21 I'm sorry. Eight, we did have some. We did
22 have some concerns on that. Does anybody want to make a
23 comment on Recommendation 8?

24 Okay. (INDISCERNIBLE)

25 Any comments on nine?

1 Maybe we can move -- yeah. He's moving the
2 slide with us. Okay.

3 How about 10? This, we did have some
4 questions about the health impact study and the
5 definition. Not much of that was specifically
6 referencing this recommendation or a different
7 recommendation. Okay. Everybody's good with the way
8 it's written. Super.

9 Recommendation number 11? Commissioner
10 Olmedo?

11 COMMISSIONER OLMEDO: Yeah. This speaks to
12 the comments I made earlier. So, I -- number 10 does
13 need to be updated here. From sources other than
14 Imperial -- fund from sources other than Imperial County
15 Health Impact Assessment Study to be carried out by an
16 academic institution in public. Are we talking about
17 the Programmatic EIR? The Specific Plan? Are we
18 talking about a County Health Assessment?

19 I mean, these are the comments I was making
20 earlier. Not really sure this is very clear. So, I
21 think it needs some work. I'm happy to provide some
22 language recommendations. But earlier, I was trying to
23 make the distinction between a -- what a Health
24 Assessment is. A Community Health Assessment, some call
25 it a CHA, is also known as a Community Health Needs

1 Assessment, refers to a state, tribal, local territorial
2 Health Assessment that identifies key health needs,
3 issues, through systemic data collection and analysis.
4 Community Health Assessments use -- so anyways, that's
5 one part of it.

6 And the Health Impact Assessment is a decision
7 to support -- is a decision support tool being utilized
8 by EPA and other agencies to promotes sustainable and
9 healthy communities. The foundation of a healthy
10 community is strongest when built upon decision making
11 processes that balances environmental, social, economic
12 factors to promote the health and well-being of its
13 members. HIA, or Health Impact Assessment, is a tool
14 designed to investigate how a proposed program, project,
15 policy, or plan may impact the health and well-being and
16 inform decision makers of these potential outcomes
17 before decisions is being made.

18 And I know that this keeps going back and
19 forth as to whether, you know, resources will go toward
20 doing a Riverside County and Imperial County, and I
21 think there's confusion when we're talking about a
22 Health Impact Assessment. But they are different tools.
23 And I know that in Imperial, the county has typically
24 taken the lead. I know academia has often come in and
25 helped fill data gaps or do other types of deep dives on

1 uncertain areas of health.

2 But a Health Impact Assessment is a whole
3 different process. And referring to the bill that was
4 passed that has \$800,000 that's intended to create a
5 Health Impact Assessment as part of the Programmatic
6 EIR, and a Specific Plan. And I wanted to clarify all
7 of that, because it is not all the same. So, I think --

8 MS. BALLIN: So, thank you. I think it --

9 COMMISSIONER OLMEDO: -- this requires some
10 work.

11 MS. BALLIN: Sorry, didn't mean to cut you
12 off. Thank you. I think that is really important to
13 have clarity on the terms that are being used here. So,
14 Deana, if you would be able to weigh in if there was a
15 specific definition in mind when Health Impact Study --
16 when those words were used in this recommendation?

17 MS. CARRILLO: Yeah. I appreciate that, Lisa.
18 Commissioner Olmedo, we welcome your specific written
19 recommendations on how you think that should read. Just
20 some additional context -- as we worked to address the
21 concerns raised by various Commissioners about not
22 wanting too much burden on top of CEQA or in addition to
23 CEQA, as well as some of the other Commissioner's
24 comments that we were receiving about the health
25 assessment that you referred to that Imperial County.

1 This was an effort to address the concerns about health
2 raised by the community. And thread that needle between
3 not adding an overly burdened process on top of CEQA,
4 but acknowledge that those health concerns exist, given
5 some of the existing conditions of the region.

6 So, appreciate that we might not have gotten
7 that consolidation right to thread that needle, and look
8 forward to getting your written recommendations on how
9 that should read.

10 MS. BALLIN: Thank you. Let's go to Chair
11 Paz.

12 CHAIR PAZ: Yes. So, what I'm thinking here
13 is -- follows what Commissioner Olmedo said. I think
14 the bill or the money that Imperial County received was
15 for a Health Impact Assessment, if I remember correctly.
16 And so, Deana, maybe we need to get clarification on
17 what the bill said -- whether it said Health Impact
18 Study, or Health Impact Assessment?

19 But from the rec-- from all of the meetings
20 and public input and some of our workshops on
21 environment and others, the request and the need for a
22 Health Impact Assessment was given. And exactly for the
23 reasons that Commissioner Olmedo said, that if the
24 community wants to assess how a proposed decision, in
25 this case the buildout of lithium from geothermal, will

1 affect the health of a population and whether vulnerable
2 populations are more likely to be impacted. Right? And
3 that's what the Health Impact Assessment would give us.

4 So, in this recommendation, assuming that that
5 bill does state Health Impact Assessment, the
6 communities in close proximity to the Salton Sea, not
7 necessarily in the Imperial side, right, also want to
8 ensure that they're protected from any potential
9 negative impact. So, the request here is that these
10 communities receive funding for a Health Impact
11 Assessment. And that this is not funded by the Health
12 Impact Assessment dollars that the county received, that
13 they receive a separate funding so that, again, we're
14 not taking away from the resources that were designated
15 to the fence line communities.

16 MS. BALLIN: Thank you. And I think we've got
17 some clarification that the wording in the bill is
18 Health Impact Assessment. So, I think we have good
19 direction on how we should consider changing the
20 language on this recommendation.

21 I do want to move us along. Commissioner
22 Olmedo, was there something critical on this
23 recommendation? Because we've got about 25 minutes, and
24 we're about half-way through. So, I want to make sure
25 we cover all the important ones.

1 COMMISSIONER OLMEDO: I'll try to make it
2 quick. So, just to respond to Chair Paz's -- the county
3 is fully committed and is invested in doing a County
4 Health Assessment. There is ongoing conversation about
5 the Health Impact Assessment part of it. And I highly
6 recommend that any community where there is these types
7 of potentially invasive industries, and whether we look
8 at it from the negative or positive, that a Health
9 Impact Assessment is part of the tools in any community
10 where such developments are happening. Thank you.

11 MS. BALLIN: Thank you. So, let's -- I think
12 the next recommendations where there was some interest
13 in discussing were Recommendations 12 and 13. So, does
14 anybody want to make some suggestions to recommendation
15 12?

16 And Commissioner Olmedo, I'm assuming your
17 hand was just left up from before?

18 Commissioner Kelley?

19 VICE CHAIR KELLEY: Yes. I'm supportive of
20 having state involvement in Lithium Valley development.
21 But I'm also now aware of the actions with AB 205, and
22 the crossing of jurisdictional responsibilities that are
23 occurring. So, I'm not supportive of this action at the
24 moment.

25 MS. BALLIN: Okay. Is there any change that

1 could be made to the -- to make it something that you
2 could support?

3 Commissioner Kelley? (INDISCERNIBLE)

4 VICE CHAIR KELLEY: That would be no, Lisa.

5 MS. BALLIN: Okay. That's good to know.

6 Okay. Commissioner Weisgall?

7 COMMISSIONER WEISGALL: Yeah. I have the same
8 concern. And I don't know -- I don't know what it -- I
9 don't know what it adds to what is otherwise required.
10 I mean, there will be developers will certainly be
11 regulated. Water use will be obviously a function of
12 IID. Emissions, we've got the Regional Air Pollution
13 Control District that regulates that. The existing
14 geothermal plants have been going to, you know, non-
15 hazardous landfills for 40 years, that are regulated by
16 the state. Anybody who wants to find out that
17 information can find it out.

18 So, I think this is duplicative of what
19 already exists, and kind of raises the specter of some
20 new agency or a whole series of new regulations that
21 aren't -- I just don't see the need for any of this. I
22 think that all of this exists. So, you know, having a
23 central repository of this information doesn't seem to
24 do very much for me. So, I just kind of see it as
25 duplicative of what is already existing in any kind of

1 energy production system, and certainly will be
2 available with lithium extraction. So, I agree with
3 Vice Chair Kelley on that.

4 MS. BALLIN: Thank you. Does anybody want to
5 provide perspective on the underlying reason or
6 motivation, kind of purpose for this recommendation?
7 Or where it came from? Whether that be CEC or if there
8 is a Commissioner who requested that this be in here?
9 Just to provide some context.

10 That's okay if not. Anybody else want to
11 express -- oh, Deana, were you hopping on to help us
12 with that?

13 MS. CARRILLO: Well I just -- I think one
14 question I would have for the Commissioners, is over the
15 last several months we've heard from the community that
16 the permitting and approval process could benefit from
17 increased transparency and provide them with a central
18 place for information. And so, I believe that those
19 voices in that effort that the Commission has considered
20 over time is how this came about, although I'd have to
21 do some digging on this one.

22 So, I would be interested to hear a discussion
23 if -- that adds any additional value for other
24 perspectives. Just need to support that -- a robust
25 discussion on this and give us clarity.

1 MS. BALLIN: Yeah, that's really useful. So,
2 given that context and understanding, if Commissioners
3 have any idea on how we could revise or perhaps replace
4 this recommendation with something else that still
5 achieves that purpose of providing transparency and a
6 central source of information for the community that
7 perhaps might not create the concerns about creating
8 additional requirements, or agencies that were
9 expressed. So, I see a few hands up and I'll go to --
10 Commissioner Olmedo, just confirming that your hand was
11 just up from before? Just double checking on that.

12 COMMISSIONER OLMEDO: Yes.

13 MS. BALLIN: Okay, thank you. Commissioner
14 Kelley, and then Castaneda.

15 COMMISSIONER OLMEDO: I apologize for
16 interrupting. It's up again.

17 MS. BALLIN: Thanks, okay. Did you want to
18 answer -- I'd just love him to answer Deana's question
19 right now.

20 VICE CHAIR KELLEY: I'm ready.

21 MS. BALLIN: Okay.

22 VICE CHAIR KELLEY: So, Deana, I --

23 MS. BALLIN: We'll go to Kelley, and then
24 Commissioner Olmedo, and then Castaneda, if that's okay?

25 VICE CHAIR KELLEY: Deana, I understand it may

1 have come through some of the engagement. And
2 originally, I think we were supportive of having some
3 kind of a centralized office for development of Lithium
4 Valley. But this kind of marks into what Jonathan
5 alluded to. Creating a new agency? We have, in
6 California, we have these agencies. DTSC, the Regional
7 Water Quality Board, our Air Pollution Control District,
8 they all have their own missions and their
9 responsibilities for regulation. And I don't see how
10 creating a clearing house, or maybe even adding staff in
11 that way, is going to be helpful.

12 I do see it being helpful if we could get
13 dedicated staff towards the economic engine that would
14 be Lithium Valley.

15 MS. CARRILLO: And to clarify, Commissioner
16 Kelley, I'm not coming from a place of advocacy. Just
17 wanted to kind of frame how this got here to provide
18 some context and information. So, it's, you know, I
19 leave it to the Commissioners and I'm just looking
20 forward to getting clear direction to bring a product
21 that the Commission can support.

22 MS. BALLIN: Thank you. So, I'm hearing,
23 Commissioner Kelly, if I'm hearing you correctly, it's
24 an all-- you've got an alternate suggestion for
25 achieving you know, what Deana had expressed we heard

1 from the community, that there might be support for an
2 office of lithium development --

3 VICE CHAIR KELLEY: I'm not -- no, Lisa --

4 MS. BALLIN: Okay.

5 VICE CHAIR KELLEY: I -- that came up in
6 conversation many times in the past about regional
7 development and creating an office. But in regards to
8 12, I believe that this would be -- this could end up
9 not being a helpful endeavor. Where, we have
10 responsibilities of agencies to date for all of these
11 items. And it is their responsibility to check on waste
12 streams, water use, emissions, all these things. And
13 occupational safety as well.

14 MS. BALLIN: Okay, thank you. Yeah. I was --
15 I guess just to be a little more clear, do you feel
16 this, the office, would be a replacement for this
17 recommendation?

18 VICE CHAIR KELLEY: No. I'm not proposing--

19 MS. BALLIN: Not taken --

20 VICE CHAIR KELLEY: -- at this moment, I'm
21 just saying no to 12.

22 MS. BALLIN: Noted. Thank you. Just wanted
23 to make sure I got that correct. Commissioner Olmedo,
24 comments on Recommendation 12?

25 COMMISSIONER OLMEDO: Yes, hi. So, the way

1 that number 12 reads currently right now, it's talking
2 about centralizing a permit and regulatory system to
3 fully support and much needed, not only in this process,
4 but in many different areas of the state and federal.
5 The state recently adopted a lithium taskforce, which is
6 made up of the CalGEM, Air Resources Board, Natural
7 Resources Agency, California Environmental Protection
8 Agency. I understand Imperial desired to also play a
9 prominent participation. And so, what I would recommend
10 that a taskforce be created, and for both you know the
11 permitting as well as the data reporting be required.

12 Historically, there have been -- I would
13 assume a benefit to industry to sort of self-report. I
14 highly discourage that. You know, we've seen time and
15 time again, environmental justice communities getting
16 the short end of the deal. So, require reporting, and
17 audited reporting, be a part of the recommendation.

18 Also, it is going to be important to
19 understand, to know what are those -- I forget what they
20 call it, proprietary technology. You know, that -- what
21 are the parameters of that? So that community
22 understands both, you know, what information is going to
23 be available publicly, and as well as the right to know.
24 Because the community has the right to know what's
25 happening in their community. You know, what type of

1 emissions are going to be released, what type of waste
2 is going to be transported through communities?

3 Again, I don't know, but those recommendations
4 need to be a part of number 12 as part of the -- I'll
5 utilize the term the ecosystem of regulation and waste
6 management. And I guess this is perfect time as any.
7 You know, I keep saying, you know, we're not
8 transitioning to cleaner vehicles. We're transitioning
9 to zero-emissions vehicles. And therefore, I highly
10 support the idea of investing in the industry if need
11 be.

12 So as long as the community is safe and
13 there's a cradle-to-cradle management of materials,
14 whether it's emissions or waste or water use or water
15 discharges, all of that. We need to make sure that that
16 is a strong recommendation. And I understand sometimes
17 that might be cost prohibitive. It might make the
18 different between an industry building or not. So, I'm
19 not trying to come in with unreasonable expectations.
20 If the federal government and the state can come in with
21 some subsidies, I fully support that. At the end of the
22 day, we need to have a healthy community, healthy
23 ecosystem, truly transition into cleaner vehicles and
24 cleaner fuels --

25 MS. BALLIN: Thank you.

1 COMMISSIONER OLMEDO: -- and I'm not going to
2 say even clean fuels. So, all of that should be part of
3 that number 12 as well. Thank you.

4 MS. BALLIN: Thank you. Commissioner
5 Castaneda? Thanks for your patience.

6 COMMISSIONER CASTANEDA: Thank you very much.
7 And I, you know, I don't, for many of the reasons that
8 have already been talked about here, I don't necessarily
9 believe nor support another apparatus. But I do
10 believe, based on the fact that there is a multitude of
11 agencies and authorities that both local and state-wide,
12 and potentially even federal, that will have some
13 authority here.

14 I think that there should be a statement and
15 some sort of focus. And I think Commissioner Olmedo
16 talked about a task force, and I don't know if that's
17 required, but there needs to be some coordination. And
18 as we know, anybody that's tried to process any kind of
19 projects through multiple agencies, everybody's got
20 their job, but not all -- not everybody has, I think, a
21 priority to see the best project move forward.

22 And so, I think that we need to figure out
23 some way to sort of wrap everything together. And also,
24 have that opportunity for the community, if they, you
25 know, if they need to, to basically have access to that

1 information if they, you know, if they so desire. And,
2 to ensure that if there are problems that, you know, we
3 don't have community members that need to go to a lot of
4 different agencies and so forth.

5 So, I'm not sure how that's accomplished, but
6 I don't think that this is necessary. So, I wouldn't,
7 on its face, I would not be supportive of number 12.

8 MS. BALLIN: Thank you. Commissioner Ruiz?

9 COMMISSIONER RUIZ: Yes. I think,
10 regurgitating everything that has been said. I'm going
11 to give a little more context of where this came from.
12 Some of the community's recommendations were to build
13 more transparency. And I think in the name of
14 transparency, I think it is important to both continue
15 in providing information of the process, implementation,
16 and regulations and so forth. And I think, you know, it
17 is important to have better coordination.

18 So, I will say that in the name of
19 coordination, transparency -- I think it is important.
20 I -- and we need to make sure, you know, that we don't
21 create another layer of bureaucracy. But none the less,
22 I think, you know, the communities deserve to be
23 informed at all times, right? From the beginning all
24 the way to the end, and implementation and processes and
25 what not. So, I think, you know, to make the story

1 short, I think, you know, I feel that this is, you know,
2 going to be in this period of transparency, I think is
3 good for the communities, and I am fully in support of
4 it.

5 MS. BALLIN: Thank you. I just want to make
6 sure I got that correctly. Do you support the
7 recommendation as written? Or you are supporting the
8 underlying intent but feel the recommendation needs some
9 changes?

10 COMMISSIONER RUIZ: I think the recommendation
11 needs a few changes, to make sure, you know, that we do
12 not create another layer of bureaucracy and impede, you
13 know, the expedition of the process. So -- but I do
14 support creating something in this regard, perhaps as
15 Commissioner Olmedo suggested, maybe a taskforce, maybe
16 a hybrid, you know, that model. But I think it has to
17 be something, an entity, that coordinates and shares
18 information with communities.

19 MS. BALLIN: Thank you. So, I just want to
20 reiterate that it would be really helpful for anybody
21 who would like to see a revision to this recommendation
22 to provide specific text suggestions to CEC. We're
23 going to try to take a note of that was heard today, and
24 CEC's going to make some possible further changes. And
25 I do want to also give one more opportunity where the

1 assumption here is that if people are not raising their
2 hands, then they're supportive of the recommendation.
3 So, if anybody has any problems, we just want to get
4 everybody's thoughts, who has an issue on it.

5 So, Commissioner Weisgall?

6 COMMISSIONER WEISGALL: You know, one way,
7 possibly, to reconcile these different views is put the
8 burden on a state agency to gather whatever information,
9 you know, this kind of information and publicly
10 available. I mean, it will -- there will be publicly --
11 I mean, as Vice Chair Kelley pointed out, there is
12 reporting and oversight by all kinds of state agencies
13 on everything that we see here.

14 And -- but rather than create this extra
15 bureaucratic layer on developers, put the burden on
16 some, you know, whatever appropriate state agency to set
17 up a program that will help the community and provide
18 the necessary transparency by digging out that
19 information. I certainly -- a member of the public who
20 does want to learn more about some of these specifics,
21 it would be difficult for that person to find it. But
22 if there is a state agency that routinely receives
23 monthly or quarterly reports on any kind of information
24 that must be reported by developers and can consolidate
25 that and can have it one, you know, in one area that

1 will make it kind of a one stop shop, if you will, for a
2 member of the public wanting more information. That
3 would be fine.

4 That lessens the bureaucratic burden on a
5 developer. And if, you know, if the legislature in its
6 wisdom wants to set up some other agency to do this,
7 they can do it. So that might be one way of trying to
8 thread the needle here.

9 MS. BALLIN: Thank you. Yeah. And again, if
10 you have some specific language you want to forward to
11 CEC to effectuate that suggestion, that would be great.

12 COMMISSIONER WEISGALL: Well, I mean my
13 position would be I would delete it, but if we need to
14 reach some sort of compromise, that might be the way to
15 go.

16 MS. BALLIN: Thank you. Commissioner Hanks?

17 COMMISSIONER HANKS: Yeah. I'm opposed to
18 number 12. It is another layer of bureaucracy. And
19 just in the area of water use, we deal with five or six
20 agencies, and I can see this putting them in conflict
21 with one another and not getting anything done. So, I'm
22 opposed to it.

23 MS. BALLIN: Thank you. So, I want to point
24 out that we're at about 12:20. We were originally going
25 to break at 12:30 for lunch. I don't feel -- I don't

1 think anybody mentioned concerns with recommendations
2 beyond 12, but I do want to put it out there again to
3 ask if there's any other priority recommendations you
4 guys want to have time to discuss today if you can
5 squeeze it in. We started a little bit late, but I'm
6 trying to keep to our original schedule if we can. So,
7 did we miss -- is there anything in Recommendations 13
8 through 23 that you want to make sure we have time to
9 discuss?

10 Commissioner Hanks, I'm assuming your hand is
11 just left up from before? But let me know. Thanks.

12 So, any other recommendations? Anybody wants
13 to suggest a change to, or let us know that you wouldn't
14 be able to support?

15 Commissioner Weisgall? You're muted.

16 COMMISSIONER WEISGALL: Sorry. Recommendation
17 15 does go to two of the points that I raised at the
18 beginning here. It does, you know, it does keep in the
19 high road concept. And, you know, sort of across the
20 board PLAs. I just don't see how. I -- I've made my
21 point, I've done it in writing, so yeah. Very strong
22 concerns about that.

23 MS. BALLIN: Okay. Anybody else have concerns
24 with Recommendation 15?

25 COMMISSIONER CASTANEDA: Can you go ahead and

1 bring that up?

2 MS. BALLIN: Yes. Hold on one moment, we'll
3 get that up on the screen, Recommendation 15.

4 VICE CHAIR KELLEY: Lisa? I am -- I know the
5 time constraints, but for every item, it would be to my
6 advantage and hopefully to the other Commissioners that
7 we review every single one.

8 MS. BALLIN: Okay. Thanks for bringing that
9 up. You know, when we were talking about this meeting,
10 we talked about if we wanted to go through each one or
11 try and -- Commissioner Kelley, I'm not sure if you were
12 here at the beginning, but we went around to people and
13 said -- and asked which recommendations do you want to
14 talk about today? So, that's why I'm skipping a little
15 bit.

16 But I do recognize that, and if we haven't
17 adequately covered these with this approach, I am open
18 to going through those. The question is when we might
19 have time to do that? So, do others feel like there are
20 recommendations that you want to make comments on or
21 changes to that we haven't hit because we didn't go
22 through one by one?

23 MS. CARRILLO: And Lisa, just from a business
24 process, the meeting can run late. And if it requires
25 more time, the Commission has the ability to use

1 additional time. We could also, if we take all time --
2 I'm not stating that this is what anyone is asking, but
3 if we wanted to take the whole day to do this we could
4 do that, and then recess the meeting to continue
5 tomorrow, or at some other time this week to discuss
6 other items.

7 MS. BALLIN: Thanks. So, I -- Commissioner
8 Kelley, were there certain recommendations that you feel
9 in particular you had concerns? Or you want to just be
10 able to see them on the screen and kind of react to them
11 one by one from start to bottom?

12 VICE CHAIR KELLEY: So, Lisa, I have comments
13 on basically everything.

14 MS. BALLIN: Oh, you do. Okay, sir. We did
15 miss you at the beginning, so I think that's a piece of
16 information. Okay, that's helpful.

17 CHAIR PAZ: And I think --

18 MS. BALLIN: Yeah, Chair Paz? Please -- thank
19 you.

20 CHAIR PAZ: So just in terms of the logistics
21 and our schedule, I'm fine if we use today's meeting to
22 review all of these here, even if that's the only thing
23 that we do. And then we -- the Commissioners do have
24 additional time to see the Redline report and submit
25 written comments on that, or any other things till the

1 4th, we said, right? So, they have the rest of the week.
2 I just -- I cannot stay beyond 2:00, but if Vice Chair
3 Kelley can, then he can Chair the meeting after that.

4 MS. CARRILLO: I would also note to that Chair
5 Paz, is that all of the public comments that we've
6 received are available to the Commissioners, so they can
7 review them individually. We didn't get a chance to get
8 those all summarized neatly for folks over the weekend.
9 And so, responses to that public comment could also be
10 incorporated into feedback to the Energy Commission on
11 modifications.

12 CHAIR PAZ: The only thing, Deana, is that the
13 in-person ones, right, those are not in the docket
14 anywhere. So, I would appreciate having some time to
15 hear about the in person public input meetings that took
16 place.

17 MS. CARRILLO: Yup, we can easily provide
18 that, and we do have a summary of the input we received
19 that we can docket.

20 MS. BALLIN: So, would the suggestion be that
21 we use our time when we come back from lunch at 1:00,
22 from 1:00 to 2:00 to kind of start from Recommendation 1
23 and work our way through?

24 VICE CHAIR KELLEY: I would hope so. I --
25 maybe not having as detailed -- I mean, I would offer,

1 Lisa, some amendments or some edits to some of the items
2 to be. And then I would not be supportive of some of
3 the items.

4 MS. BALLIN: Okay, thank you. And also -

5 VICE CHAIR KELLEY: Until, if it were -- if
6 polling can be taken from the Commissioners to see where
7 they stand on the recommendations, that maybe action
8 could be done at the next meeting.

9 MS. BALLIN: Okay. So, Chair Paz, does that
10 work for you to kind of reallocate our time from 1:00 to
11 2:00 for that exercise?

12 CHAIR PAZ: Yes, that works for me.

13 MS. BALLIN: Okay. And Commissioner Kelley,
14 just also since you weren't here at the beginning, we're
15 trying not to get too much into the editorial changes or
16 the wording, but the substantive issues. And
17 Commissioners are able to send those kind of comments to
18 CEC staff by Friday.

19 VICE CHAIR KELLEY: Sure. So, Lisa, I've done
20 that. And so, I can just give you yes or no when we get
21 to them.

22 MS. BALLIN: Yeah, and then why. Okay. So,
23 it's just about 12:30 now, so why don't we break for
24 lunch. And we'll resume at 1:00 and we'll start making
25 our way through -- we'll add to what we already have

1 when we go through the recommendations. So, if people
2 want to use the lunch time to kind of get your thought
3 together, put your thoughts together about each of these
4 recommendations. If you have any objections to them, if
5 you have any suggested modifications, that would be
6 super helpful. So, have a nice lunch, everybody.

7 (Begin lunch break, 12:30 P.M.)

8 (End lunch break, 1:01 P.M.)

9 CHAIR PAZ: Welcome back, everyone. If
10 Commissioners are back, please show us by turning on
11 your cameras, that way we know who is here. Thank you.
12 I see Vice Chair Kelley and Commissioner Weisgall.

13 (Pause)

14 Erica, can we please do another roll call to
15 verify who is here?

16 MS. LOZA: Yes. Commissioner Castaneda?

17 Commissioner Colwell?

18 Commissioner Dolega?

19 Commissioner Flores?

20 COMMISSIONER DOLEGA: I'm here, but I will not
21 be able to stay because I'm on Eastern Time, and I have,
22 well, children and Halloween activities going on, so I
23 apologize. But I'll be available for about 30 more
24 minutes.

25 MS. LOZA: Thank you.

1 CHAIR PAZ: Thank you.

2 MS. LOZA: Commissioner Flores?

3 Commissioner Hanks?

4 Commissioner -- Vice Chair Kelley?

5 VICE CHAIR KELLEY: Here.

6 MS. LOZA: Commissioner Lopez?

7 Commissioner Olmedo?

8 Chair Paz?

9 CHAIR PAZ: Here.

10 MS. LOZA: Commissioner Reynolds?

11 Commissioner Ruiz?

12 COMMISSIONER RUIZ: Present.

13 MS. LOZA: Thank you. Commissioner Scott?

14 Commissioner Soto?

15 Commissioner Weisgall?

16 COMMISSIONER WEISGALL: Present.

17 MS. LOZA: We have four present.

18 CHAIR PAZ: Okay.

19 COMMISSIONER OLMEDO: Commissioner Olmedo,

20 present.

21 MS. LOZA: Thank you. Five present.

22 CHAIR PAZ: Okay. We're not taking any votes

23 right now, but if we can please maybe on the chat,

24 remind Commissioners to let us know when they do come

25 back, just so we know they're here. And I'll turn it

1 over to Deana, since we made a few changes to our last
2 hour. So, Deana?

3 MS. CARRILLO: Thank you, Chair Paz. I just
4 want to take a moment with the Commissioners today to do
5 some framing and remind us of where we are. And the
6 expectations that you've established for yourselves for
7 next steps. So, we can look at what progress we need to
8 make and perhaps help with some framing.

9 So, the goal today was for -- so just to take
10 a few steps back, at our last meeting, the Commissioners
11 gave us some broad feedback and some written comment of
12 modifications that they would like to see. We have
13 condensed that feedback into a Redline report, and to
14 condensed proposed recommendations. Today, what we're
15 hoping to do -- while we appreciate some of the meta
16 discourse that's been going on, that we've been having
17 for the last several months -- is to identify what can
18 you support today? Perhaps with modifications? And
19 where can we identify areas for consensus or compromise
20 as we look through next steps?

21 You've established a very robust and
22 accelerated timeline to get to that next step. And in
23 order to get there, we will need to know, you know,
24 where are the biggest concerns? What could you support
25 in the report?

1 While some of this is focused on
2 recommendations, there are ways to incorporate your
3 feedback into the text of the report, not necessarily
4 through recommendations. And so, I'm going to ask for
5 the Commissioners to review the Redline. I know you
6 haven't had much time to do that, so I appreciate your
7 work over this past weekend, because we have been
8 working quickly. And to assess if this is already a
9 part of the report? Does it need to be in the
10 recommendations? And specifically, after today's
11 meeting as we are focusing predominately on the
12 recommendations, we're going to ask, you know, what
13 language would you specifically propose so that as we
14 balance the different perspectives, we're able to assess
15 how to get close to what you're all looking for.

16 And not only the specific language, but why?
17 Because that why will assist us in trying to identify
18 that compromise language, or that consensus that may be
19 needed. So, I appreciate that time. I just wanted to
20 look at this next steps so we all saw what was in front
21 of us.

22 Today, we're talking about the modifications
23 of the report. We're asking the Commissioners to
24 provide us written comments on those modifications by
25 close of business this Friday. We will then work for

1 additional modifications for your consideration on
2 November 17th, with the goal that you've established for
3 yourself to have that final report submitted to the
4 legislature on December 1st. We -- depending on the
5 scope and how we focus on these elements, you may want
6 to be considering either additional meetings or other
7 elements to your time table. But I'm hoping that for
8 the next hour, we could really focus on what are the
9 biggest issues that we have concerns with, and then
10 really get that written comment.

11 So, with that, I'll pass it back to you, Chair
12 Paz, for any additional framing. I just wanted to come
13 at this, share from a logistical perspective, the
14 challenge that we have in front of us. And the
15 important discussion that you're having, but also
16 recognizing some of the need to really focus on the
17 biggest issues or the biggest concerns.

18 CHAIR PAZ: Yeah. Thank you, Deana, for that.
19 And, I mean as you said, these -- what's in front of us
20 is only the recommendations and in summary. So, it is
21 important that we look at the Redline report where these
22 recommendations are coming from, and that we make those
23 suggestions and submit them in writing as specifically
24 as we can to smooth out the process. But I will hand it
25 over back to Lisa now to continue the discussion.

1 MS. BALLIN: Thank you, Chair Paz and Deana.

2 So, we had a request to run through each of
3 the recommendations in the hour that we have left. And
4 what I'm proposing that we do, in order to really get an
5 answer to the question that Deana just mentioned in
6 terms of identifying which are the recommendations that
7 some of the Commissioners feel you can't support even if
8 there might be some changes.

9 I want to see if we can run through and do a
10 quick informal polling to get a sense of that. And then
11 if we've got some time, we can try to discuss the why to
12 see if there's any, you know, any room there. Or if
13 not.

14 So, if that's okay with you what I'll do is
15 we'll bring up each recommendation. Thank you, we've
16 already got Recommendation 1. And I would ask if you
17 could raise your virtual hand if you feel this is a
18 recommendation that you are unable to support even if
19 you, you know, might -- even if there was some minor
20 changes made to it.

21 So, I'm trying to distinguish from like,
22 "Well, I want some changes to this but I agree with the
23 concept," versus, "I just cannot support this concept
24 even without change." So, I'm asking for raised hands
25 if anybody cannot support Recommendation 1.

1 Okay. So, it looks like we've got some -- we
2 don't have any opposition, we don't have any concerns
3 with -- not any concerns. We don't have any people who
4 would not be able to support Recommendation 1. Okay.

5 Let's do the same for Recommendation 2. Any
6 hands raised if you are unable to support this
7 recommendation? Okay. Not seeing any hands raised on
8 that one either.

9 Recommendation 3, we talked about in terms of
10 potential changes. But is there anybody who is unable
11 to support this recommendation wholesale? Okay, not
12 seeing any hands raised for that one.

13 Recommendation 4? Hands raised for inability
14 to support? Not seeing it there.

15 Recommendation 5? Okay, no hands or inability
16 to support that one.

17 Recommendation 6? Any inability to support
18 that one?

19 Recommendation 7? No hands raised on that.

20 Eight? No hands raised. So, this is good so
21 far. We don't have any recommendation that you guys
22 would not be able to support.

23 Recommendation number 9? No hands raised
24 there.

25 Recommendation 10? We had some discussion

1 about. Anybody unable to support this one? Okay.

2 Recommendation 11? No hands raised there.

3 Recommendation 12? We did already hear from a
4 few Commissioners who had concerns about being able to
5 support this. But just being able to repeat. Okay,
6 just want to observe for the exercise, to have clarity.
7 So far, we've got Commissioner Kelley and Commissioner
8 Weisgall who are unable to support this. We also have
9 Castaneda, Commissioner Castaneda, I'm sorry. Alright,
10 anybody else unable to support Recommendation 12?

11 COMMISSIONER WEISGALL: I think Hanks said
12 that he, earlier, said that he had problems with that,
13 but he is -- I don't think he's back on yet. But --

14 MS. BALLIN: Thank you.

15 COMMISSIONER WEISGALL: -- I mean. Let me not
16 speak for him, but I think that's where he was.

17 MS. BALLIN: Thanks, we'll look back into
18 that. And Commissioner Scott also has a hand raised,
19 inability to support. Thank you.

20 Recommendation 13?

21 MS. CARRILLO: Do we want to have a minute
22 where--

23 MS. BALLIN: Unless let's have a minute to
24 take hands down. I'm sorry, Deana?

25 MS. CARRILLO: I was going to say the same

1 thing, give folks a minute to put their hands down.

2 MS. BALLIN: Yup, yeah. Okay. All hands are
3 down. Okay. Recommendation 13? Any hands raised for
4 inability to support this one? No.

5 Recommendation 14?

6 COMMISSIONER WEISGALL: Oh wait, go on -

7 MS. BALLIN: Hold on, sorry.

8 COMMISSIONER WEISGALL: We're going a little
9 quickly here, hold one a second. Hold one.

10 MS. BALLIN: We're going too fast.

11 COMMISSIONER WEISGALL: Yeah, no. This -- 13
12 just goes beyond CEQA. No. I -- the threshold -- I
13 mean, you want the reason. The CEQA threshold, Lisa, is
14 incredibly onerous. This is just, you know, adding
15 more. I mean, no. I don't know who's going to do the
16 study, but no. Opposed.

17 MS. CARRILLO: Commissioner Weisgall, some
18 additional context. This study is not related to CEQA.
19 This is a general study --

20 COMMISSIONER WEISGALL: Right.

21 MS. CARRILLO: -- addressing some of the
22 community's comments in about -- and just to share --
23 the balance, or again, that needle we're trying to
24 thread, of some of the concerns we've heard from
25 industry on the need to fast track permitting, and the

1 robustness of CEQA, while also providing a process for a
2 comprehensive study that is --

3 COMMISSIONER WEISGALL: Okay Deana, Deana --

4 MS. CARRILLO: -- not related to any specific
5 project.

6 COMMISSIONER WEISGALL: I -- okay. I hear
7 you. No one's going to fast track permitting. Let's
8 forget about that. I don't care. I mean, as a
9 developer, the last thing we're going to want to do is
10 to in any way do an end run around CEQA. I need to know
11 then who is going to fund this study and who is going to
12 conduct it. Right now, that's just not clear. So,
13 until that's clear, I can't support this.

14 MS. CARRILLO: Welcome your -- alright, we'll
15 welcome your suggestions.

16 MS. BALLIN: So, I'm hearing that there could
17 be some possible changes that might change your ability
18 to support. Is that correct, Commissioner Weisgall? I
19 don't want to misquote you.

20 COMMISSIONER WEISGALL: Yeah. I mean, I'm --
21 I sorry. I'm not -- yeah. I'm -- I just need to -- I'm
22 sorry, I don't mean to react this way. Deana, I need to
23 go more into the new text that you've got there. But to
24 me, I'm assuming that the entire CEQA process is going
25 to result in what the cumulative environmental impact

1 will be. And, you know, under CEQA you've got to look
2 at alternatives, you've got to look at the cumulative
3 impact. So, I don't know what this report will do. I
4 don't know who will fund it, and I don't know who will
5 conduct it. So, that's got to be worked out. Thanks.

6 MS. BALLIN: Thank you.

7 COMMISSIONER VACCARO: If I may, I just wanted
8 to add one thing for your consideration, Commissioner
9 Weisgall, for the record, Kourtney Vaccaro, Commissioner
10 with the Energy Commission. And wondering if this might
11 help with some of the idea here, is that CEQA is project
12 level, right? And then, of course there's the
13 cumulative impacts analysis that goes along with that
14 project-level entitlement.

15 I think the idea here, and as Deana said sort
16 of threading that needle, is what happens when all is
17 said and done where you're kind of looking at the entire
18 build out. Right? Is there something that might not
19 have been captured in the project level analyses as you
20 look at the entire sort of projected or anticipated
21 build out of more geothermal, coupled with direct
22 lithium extraction and perhaps other infrastructure.

23 So that was just for context, to give you a
24 sense of what that is. And I'm not saying that fully
25 addresses your concerns, but I did want to give you some

1 context. And why it was very specific taking your prior
2 feedback and other feedback into consideration to not
3 tie it to a new CEQA analysis, but instead sort of a
4 look at the bigger buildout that's not project-specific.

5 MS. BALLIN: Thank you, Commissioner Vaccaro.
6 So, I just want to get some clarity because we're doing
7 a little polling a little discussion, which is fine.
8 Are the hands raised now still the Commissioners who
9 would be unable to support Recommendation 13?

10 Can we just keep hands up now for any
11 Commissioners who would be unable to support
12 Recommendation 13, not for questions. Okay. So, we
13 have Commissioner Kelley --

14 COMMISSIONER SCOTT: Excuse me, I have a
15 question.

16 MS. BALLIN: Okay.

17 COMMISSIONER SCOTT: I was -- are we saying
18 the raise of hands for now are saying that we're not
19 going to support number 13?

20 MS. BALLIN: Yes. I wanted to --

21 COMMISSIONER SCOTT: Or support number 13?

22 MS. BALLIN: -- get back to that original
23 question. And then if we want, we can open it up for a
24 little discussion before I continue polling on the rest
25 of these items. Or we can get through the polling and

1 come back to the ones where we had some hand raised.

2 But I just wanted to get clarity.

3 So, if we can just keep hands up right now for
4 any Commissioners who are unable to support
5 Recommendation 13? So, we have Commissioner Kelley,
6 Commissioner Olmedo, and Commissioner Colwell who cannot
7 support this recommendation. And Commissioner
8 Castaneda. Is that -- have I gotten anything wrong? So
9 please take your hands down. And we have Commissioner
10 Hanks, who is back. And Weisgall.

11 COMMISSIONER OLMEDO: I apologize, but I'm
12 trying to follow exactly what the hand raised is for?

13 MS. BALLIN: So right now, I'm trying to take
14 a poll informally using the -- rather than having to go
15 around the room and to make efficient use of our time,
16 we're trying to get a sense of how many Commissioners
17 and who would not be able to support Recommendation 13.
18 So, if you can't -- if you can support Recommendation
19 13, I would suggest to put the hand down for now.

20 COMMISSIONER OLMEDO: So, I -- I'm concerned
21 with this poll that is being taken, because we need to
22 have a fair opportunity to be able to provide comment on
23 13. Taking a poll is --

24 MS. BALLIN: Yeah, we will. We're going to --

25 COMMISSIONER OLMEDO: Are we taking a vote?

1 MS. BALLIN: -- we're trying -

2 COMMISSIONER OLMEDO: I mean we start take a
3 vote or we don't.

4 MS. BALLIN: Yeah, it's not a -- thank you.
5 I'm trying to just get an initial sense of like which
6 recommendations we want to be able to get some more
7 comment and discussion on. So, it's just to -- we've
8 got 23 recommendations and 40 minutes. So, it's just
9 the first pass. It's not a formal vote. It's just, you
10 know, right now are you unable to support? And I'll
11 come back.

12 I would like to just get through all 23, and
13 then we'll see how many recommendations we have some
14 problems with, and then we can allocate time to discuss
15 those.

16 MS. CARRILLO: And if I could add some
17 additional color, Commissioner Olmedo and all
18 Commissioners and the public, this is a non-binding poll
19 in an effort to prioritize our time and to identify
20 recommendations that our current attendees cannot
21 support even with modifications. And so, we're just
22 going to run through these 23 real quick so that we can
23 prioritize the next 30 minutes of discussion that we've
24 budgeted.

25 MS. BALLIN: And I think we probably have

1 enough indication on 13, we don't need the exact. You
2 know, we recognize people might change their mind a
3 little bit with discussion. But I think we've got
4 enough sense that 13 is one of the recommendations. So,
5 perhaps we can move -- let's put all the hands down
6 again, and then we can move to -- Commissioner Olmedo,
7 would you mind lowering your hand so we can start the
8 poll on item -- thank you. Okay. Perfect. So --

9 COMMISSIONER OLMEDO: For clarification, I did
10 not raise my hand to be in disagreement with 13.

11 MS. BALLIN: Thank you. Thank you for
12 clarifying that. Okay. On Recommendation 14, let's
13 raise hands if anybody is unable to support this one.
14 So, for 14, Commissioners Kelley and Olmedo. Oh --
15 accidental hand raise I'm assuming?

16 COMMISSIONER OLMEDO: Sorry.

17 MS. BALLIN: No worries.

18 COMMISSIONER OLMEDO: I'm just going to say
19 what I needed to say with the permission of Chair and
20 everyone else. Commissioners, I apologize for moving.
21 But I think it's important that we spend the time on
22 each and every one of these. These are critical --

23 CHAIR PAZ: We're going to come back,
24 Commissioner Olmedo. We're just -- we're going to come
25 back to all these that are getting no's so that we can

1 further discuss. Does that make sense? So, we're going
2 to go through all of them, identify the ones that are
3 putting us at odds against, and then come back and
4 discuss them in more detail.

5 COMMISSIONER SCOTT: Chairman Paz, at this
6 time I'm not going to have a raise or hands or not
7 because you said if we're going to come back to discuss
8 these items, 13, 14, then I don't want to, you know,
9 don't know which way to go with that at this point.

10 CHAIR PAZ: Okay --

11 COMMISSIONER SCOTT: So, you know, I'll just
12 wait --

13 MS. BALLIN: That's perfect.

14 COMMISSIONER SCOTT: -- until later.

15 MS. BALLIN: Yeah.

16 CHAIR PAZ: Sounds good.

17 MS. BALLIN: Perfect, thank you. Okay.

18 COMMISSIONER OLMEDO: I will do the same.

19 MS. BALLIN: Thank you. Okay. So, we'll put
20 hands down for 14 and we'll move to 15. If anybody is
21 unable to support 15? I don't see any hands raised.

22 Oh, so on 15 -- oh, Commissioner Scott, I
23 think your unmuted, so we're hearing some conversation.
24 Okay, Recommendation 15 we have Commissioner Weisgall
25 and Colwell unable to support. Okay. And Commissioner

1 Dolega. Okay. We'll put hands down -- Commissioner
2 Dolega did -- was that a -- did you change your mind or
3 were you putting it back?

4 COMMISSIONER DOLEGA: No, I had a raised hand.

5 MS. BALLIN: Putting your hand down? Because
6 you were one step ahead of me, thank you.

7 Recommendation 16? Anybody unable to support
8 that one? Okay.

9 Recommendation 17? I'm not seeing any hands
10 raised on that one.

11 We'll move to Recommendation 18? Anybody
12 unable to support 18? Not seeing any hands raised.

13 Recommendation 19? Anybody unable to support?
14 Commissioner Kelley.

15 VICE CHAIR KELLEY: My hand was raised on 18.

16 MS. BALLIN: Oh, thank you. I didn't see
17 that. Okay Recommendation -- did you mean to raise your
18 hand on 19 also, Commissioner Kelley? I might have
19 moved too fast to -- okay. So, no -- everybody's okay
20 with 19, it was 18. Thank you.

21 Recommendation 20? Not seeing any hands
22 raised.

23 Recommendation 21? Anyone unable to support?
24 No hands raised on that.

25 Recommendation 22? Anybody unable to support

1 that one? No hands are raised.

2 MS. CARRILLO: Just a note, do folks need time
3 to read them before they raise hands, or -- so lets -- I
4 realize that we're moving fastly for a reason, but so
5 just to allow the deliberation.

6 MS. BALLIN: Thank you. I'll take it slowly,
7 and I'll wind it back a little bit. Do you want me to
8 go back to Recommendation 20?

9 MS. CARRILLO: I defer to the Commissioners.

10 MS. BALLIN: Okay. So, I will start with --
11 well, let me just do -- Commissioner Scott, was -- you
12 have a concern with Recommendation 20?

13 COMMISSIONER SCOTT: You said 22 I think when
14 you muted me.

15 MS. BALLIN: Yeah, it a little confusing, I'm
16 sorry.

17 COMMISSIONER SCOTT: Oh, okay.

18 MS. BALLIN: I heard I wasn't giving people
19 enough time, so I wanted to just go back and I'm going
20 to start with 20. I'm just going to do that one again
21 and I'm going to give you a little more time to read it
22 before I declare that there are no hands raised. So, we
23 are talking about Recommendation 20.

24 COMMISSIONER SCOTT: (INDISCERNIBLE)

25 MS. BALLIN: Okay. Let's go to Recommendation

1 21. Is anybody unable to support this one?

2 COMMISSIONER SCOTT: Excuse me. Again, I'm
3 still going on 20, I'm just kind of going through it I
4 think I'm going to have to support that.

5 MS. BALLIN: You will be able to support?

6 COMMISSIONER SCOTT: Yeah, I want to support
7 that --

8 MS. BALLIN: Yeah.

9 COMMISSIONER SCOTT: -- for that, provide
10 capacity, so.

11 MS. BALLIN: Thank you. Yeah, and right now
12 we're just raising hands for people who are unable to
13 support.

14 COMMISSIONER SCOTT: Okay well I'll -- okay.
15 Wow, I'm getting kind of confused here with you know
16 going 20 and 21, still trying to read and trying to
17 catch up. So --

18 MS. BALLIN: I'll give you another minute on
19 20. So, is anybody unable to support 20? So only raise
20 your hand if you are unable to support 20.

21 COMMISSIONER SCOTT: Unable, okay. So, if
22 we're -- we want to support that then we'd take our
23 hands down?

24 MS. BALLIN: Correct, thank you --

25 COMMISSIONER SCOTT: Okay, see that's what it

1 is.

2 MS. BALLIN: -- for clarifying that.

3 Okay are we ready to move on to 21? Okay,
4 Recommendation 21? Anybody unable to support that? I'm
5 not seeing any hands raised. You can just unmute and
6 let me know if you need more time.

7 Recommendation 22? Anybody unable to support
8 that one? Okay. No hands are raised on that.

9 Recommendation 23? Anybody unable to support
10 that one?

11 Thank you. I know this was really fast that
12 we went through these, but through this process I have
13 noted that Recommendations 12, 13, 14, 15, and 18, we've
14 got some Commissioners who are unable to support. I
15 just want to scroll back in my notes. I feel like we've
16 had a fair amount of discussion already on
17 Recommendation number 12. And a little discussion on
18 Recommendation 13.

19 So, I'm going to start there. And I think
20 there was some more comments about 13 that we kind of
21 cut off to continue with the poll. So, does anybody
22 want to explain why they are unable to support
23 Recommendation 13? Commissioner Weisgall, we got your
24 comment about wanting to know who would fund it and the
25 feeling that some of the elements were included under

1 CEQA.

2 Commissioner Olmedo?

3 COMMISSIONER OLMEDO: I apologize. You said
4 if we weren't able to support it?

5 MS. BALLIN: Yeah, we're trying to just -- now
6 that we know which ones there is a lack of support for,
7 we wanted to understand the reasons and that might help
8 us come to some agreements or even some possible
9 changes. So just wanted to see -- to hear a little bit
10 more about why there was a lack of support. I think
11 Commissioner Kelley, I don't know if I got all the
12 names.

13 VICE CHAIR KELLEY: Lisa, I'll offer this
14 quickly, is that we are doing a Programmatic EIR. It is
15 not specific to one development. It is an entire area.
16 So, those cumulative environmental should be part of
17 their contingent of what they're going to be reviewing.
18 And it will also be something that is tiered off outside
19 of the development area. So, anything that is not
20 identified or that is not in the first capture for
21 Lithium Valley, that they would build off of that. So,
22 I don't think that it is necessary.

23 MS. BALLIN: Thank you for that explanation.
24 Commissioner Colwell?

25 COMMISSIONER COLWELL: Yeah, I've got a few

1 notes. I think from the report, a note from page 53 of
2 the LVC report. It's got, "CEQA requires project
3 monitoring reporting with requirements throughout the
4 life cycle of the project." Standards are in place to
5 access cumulative effects as well.

6 In addition, CEQA specifies requirements from
7 lead agency consultation with the tribes as part of
8 project permitting. CEQA also includes requirements for
9 public must have the opportunity to review and comment
10 on all environmental documentation and the like. So,
11 again, to the earlier point, I think you know something
12 that's in place that's tried and tried including the
13 whole lifecycle of a facility or facilities is well
14 covered. And therefore, sort of a moot point to have it
15 in there on top of what we're already obligated and
16 moved to do. Thank you.

17 MS. BALLIN: Thank you. Does anybody want to
18 offer any responses, any other ideas on why it might be
19 necessary despite the fact that there will be a
20 Programmatic EIR and the report has a discussion about
21 requirements?

22 COMMISSIONER OLMEDO: I'd like to offer --

23 MS. BALLIN: Chair Olmedo?

24 COMMISSIONER OLMEDO: -- a few comments.

25 MS. BALLIN: Go ahead, Commissioner Olmedo.

1 COMMISSIONER OLMEDO: Okay. So, I'm in
2 support of 13. And wanted to add additional comments
3 that the cumulative environmental impacts is not a novel
4 idea. And you know, who would fund it? It was a good
5 question. You know, it's -- there's many different
6 mechanisms. I don't think that it's necessarily that
7 every single recommendation in our list is tied to a
8 specific funding. So, I would say that I don't know why
9 we would treat 13 any different.

10 The Cal Enviro Screen is one method of -- one
11 use of this type of information. California developed a
12 tool to be able to capture these cumulative impacts.
13 And these studies can help fill these data gaps. That's
14 how we know that Imperial Valley is a disadvantaged
15 community, because of the cumulative impacts.

16 And there are still data gaps that exist.
17 I'll give you an example. Like our water is a data gap.
18 That data is not in the Cal Enviro Screen. Any new
19 developments, that data will be critical to helping
20 inform that.

21 At the federal level, they have the EJ
22 screening and mapping tool as well. Again, not a novel
23 idea. CEQA does not address the health impacts, or what
24 they call a Health Risks Assessment would be necessary
25 because of the CEQA itself does not address the health

1 risks. In other words, it doesn't take say emissions
2 and then calculate what that health risk would be.

3 And to the concern about not going beyond
4 CEQA, this is not about CEQA. In fact, CEQA, again,
5 does not require a health risk. And those have been
6 some of the most elevated concerns that have been out
7 there and this is a perfect tool that we can utilize to
8 help address those concerns, given that CEQA falls short
9 of addressing health risks.

10 And to the other question or concern about
11 fast tracking. A Programmatic EIR can be, and a
12 specific plan, can be characterized as tools of fast
13 tracking, versus a project by project, which is the
14 alternative. Right? Is doing a CEQA project by
15 project. In this case, Imperial County as well as other
16 supporters of the lithium legislation that set aside
17 dollars to create a Programmatic EIR was -- and a
18 specific plan -- was with the intention to fast track
19 the development and seize the opportunity out there.

20 So, I would characterize it as yes, we are in
21 a situation where there is a fast tracking mechanism.
22 And yes, there is going to be a need for a Health Risk
23 Assessment and Cumulative Impacts Environmental Impact
24 Assessment. That's all, thank you.

25 MS. BALLIN: Thank you. Commissioner Scott?

1 COMMISSIONER SCOTT: Yes. I think CEQA is
2 there, but it doesn't really address a lot of things.
3 And so -- and we've been trying to work with that CEQA
4 process. But again, like I said it before, Imperial
5 County has not really gotten back with us. And so, with
6 that, you know, I would like to, you know, require and
7 fund a study on whether increased geothermal development
8 and (INDISCERNIBLE).

9 So I would support that, because again, our
10 tribal -- our tribal areas, you know, we want to avoid
11 and reduce or minimize those impacts as much as we can,
12 because we are being impacted and they need to listen
13 and understand how important it is to the tribal
14 community. And so, with that, you know, I would like to
15 have something set up so that they can be able to
16 evaluate, look at, and be able to address this project
17 and the level of environmental review.

18 MS. BALLIN: Thank you, Commissioner Scott.

19 I feel that we might be bringing in
20 Recommendation 10 into this discussion, because
21 Recommendation 10 calls for a health study. We did talk
22 about that already, but I just wanted to point that out
23 as we talk about Recommendation 13.

24 So, we had some -- we had some responses that
25 the study -- some people feel the study is needed

1 because the current cumulative impact assessment that
2 would be done under CEQA would not be adequate to
3 counter some of the concerns about this already being
4 required. So, that's where we stand on this
5 recommendation. We've got concerns that's it's already
6 covered, and then we've got some thoughts that there are
7 certain elements that wouldn't be covered. So, I think
8 that's something we need to kind of delve into and, you
9 know, tease out a little further. Anybody have any
10 thoughts on Recommendation 13?

11 And we can -- we'll move on to 14, 15, and 18.
12 And I understand I might have been going too fast. So,
13 if we do have time at the end, if people want to let me
14 know, or let us know that there is a recommendation you
15 didn't have time to read and give your, you know, your
16 thought about whether or not you'd be able support
17 these. Please let me know as well. Sorry for going too
18 fast.

19 The next one where there were some
20 Commissioners who weren't able to support was
21 Recommendation 14. So, I want to open it up for a
22 little more discussion on why there was that concern.
23 Commissioner Hanks?

24 You're muted, Commissioner Hanks.

25 COMMISSIONER HANKS: I'm sorry. When it comes

1 to water availability, if the plants are inside the
2 Imperial Irrigation District, I don't know of anyone
3 other than the IID would know of the availability of
4 water to do the study.

5 MS. BALLIN: So, are you suggesting that this
6 recommend -- that this should be implemented by IID?

7 COMMISSIONER HANKS: Yes. And then there's --
8 when you talk about cumulative infrastructure
9 development, how many years are we looking at? You
10 know, so we all know the situation on the river, how it
11 varies from time to time. So, you know, I think this is
12 pretty vague. But anything to deal with water would
13 just about have to be with those that are having to
14 provide the water.

15 Or, I've heard long ago, talk about two other
16 areas participating in the benefits of the Lithium
17 Valley. But I don't know of any resources that they're
18 pulling in now. So, I would suggest here that the IID
19 be the agency that would -

20 MS. BALLIN: Well that sounds like you could
21 support this with some changes? Is that correct?

22 COMMISSIONER HANKS: Yes.

23 MS. BALLIN: Thank you. Commissioner
24 Castaneda?

25 COMMISSIONER CASTANEDA: Thank you. And so,

1 you know, this is not the -- I'm talking about number
2 14, right? That's the one we're focused on, right? So,
3 okay. So, a water study -- and I agree with
4 Commissioner Hanks regarding the water study. IID, you
5 know like all water agencies, particularly in Southern
6 California, do extensive research and have a great
7 understanding of how much water they have and where it's
8 coming from and how sustainable it will be.

9 So, several years ago with respect to
10 residential development, there was a state law that
11 required water agencies, retailers, in order to allow
12 large residential subdivisions to move forward -- I
13 forget exactly what they call it, because it really
14 doesn't happen very often anymore. But they had to
15 basically sign a letter of sustainability or sufficient
16 water supplies or something like that. Maybe
17 Commissioner Hanks can sort of give us more information
18 on that.

19 So, it -- without sort of understanding
20 exactly what this would entail, you know, state agency,
21 academia, I think IID, I agree with the Commissioner
22 that IID should be, you know, responsible for
23 understanding what their water supply abilities and
24 capabilities are. And so I would -- I could support
25 this, but I think it really needs to be sort of narrowed

1 down in terms of what the scope is and what entity is
2 responsible. So, thank you.

3 MS. BALLIN: Thank you. Commissioner Ruiz?

4 COMMISSIONER RUIZ: Yeah. Regarding 14, I
5 think that academia will probably -- I recommend you
6 know that academia leads on the study for many reasons.
7 One, I think it brings the neutrality factor. Right?
8 Second, I think it can probably get information from all
9 the different agencies and other entities that perhaps,
10 you know, can add value to the conversation. And I
11 think it can be probably more expeditious too. So
12 that's probably the way I will vote.

13 MS. BALLIN: Thank you. Commissioner Olmedo?

14 COMMISSIONER OLMEDO: Yeah. This is - seems
15 very heavily focused on the supplying the industry, or
16 identifying water sources in the industry. And I mean I
17 don't want to limit the scope of what it says here, but
18 one thing that is really important is that water is a
19 human right. And you want to make sure that any study
20 that gets done around water, that it first and foremost
21 assures that there is a study about water reliability
22 and availability to the disadvantaged communities, to
23 assure that they are not left out of that conversation.

24 Given that communities like in the North End
25 already don't have access to affordable water, we don't

1 want to exclude them. But certainly, you know support
2 the study both on water quality and water availability
3 and multi-use or multi-opportunities. I know there's
4 terminology for that. But, you know, utilize second and
5 third, you know and even more times the water that we do
6 have to address the economic, the environmental, the
7 health. And there's opportunities to make this
8 fortunately a little bit more robust.

9 MS. BALLIN: Thank you. Chair Paz?

10 CHAIR PAZ: Yes. I agree with those comments.
11 And the main question for me, in addition to what's been
12 said when it comes to water, is what are trading off,
13 right? When we are in the context of a drought and
14 water availability and communities who don't all have
15 access to water, what are we trading off when we're
16 dedicating very clean water to these projects?

17 MS. BALLIN: So, are you -- is the suggestion
18 that the recommendation for the study identify that as a
19 topic of the study?

20 CHAIR PAZ: Correct.

21 MS. BALLIN: Thank you. Commissioner Scott?

22 Oh, maybe your hand was up.

23 COMMISSIONER SCOTT: Excuse me. Yes. Right
24 now, water is the main thing that's, you know, is the
25 main -- how would I say? Okay. Right now, water is the

1 main thing that everybody's focusing on right now. And
2 again, we're talking about water depletion and so forth,
3 and who is getting so much water, who has got
4 allocations to so much water and so forth, and so forth.

5 So, yes. I know IID, they're the most agency
6 that has water allocation. It's good that they are
7 doing all of this to find out, you know, all their
8 availabilities, who's getting the sources and so forth,
9 and so forth. But then again, I think we do need a
10 state agency or academia to be able to come in and look
11 at the water study along with IID so they can be able to
12 give some of this community of infrastructure
13 development or geothermal power plant information to the
14 community so they will have that information as well.
15 Not just IID, but work with IID and be able to give the
16 community that information that we can be able to use.

17 MS. BALLIN: Thank you. I just -- before we
18 wrap on this, I just -- I feel like we are hearing
19 mostly comments on revisions to this one. I just wanted
20 to give those an opportunity who feel that they might
21 not be able to support it a chance of saying why they
22 wouldn't be able to. We had a few Commissioners who
23 will not be able to support. And feel free -- I know
24 we're going through this quickly as was said before.

25 So, Commissioner Scott, I think you're unmuted

1 and we're hearing some background noise.

2 (INDISCERNIBLE) mute. I'm not sure if someone's going
3 to be able to mute his microphone?

4 So, I just want to repeat that Commissioners
5 are invited to submit written comments and you can give
6 further explanations as to your reasons for an inability
7 to support, and specific wording changes that you might
8 like to see if the recommendation is to be reworded. I
9 also want to ask a question. We're at 1:47, and we were
10 originally supposed to go till 2:00. We've got two more
11 recommendations where there were some issues with, and I
12 wanted to know how much time we have so that if we have
13 more time I don't have to rush. So, do we want to
14 extend past 2:00? Or do we want to make sure we end
15 past 2:00?

16 COMMISSIONER CASTANEDA: I just wanted to
17 indicate, I've got a hard stop at 2:00. I've got a desk
18 full of work that I've got to get to. And I'm willing
19 to add another date or some other time to do this, but I
20 do need to leave at 2:00. Sorry.

21 MS. BALLIN: Okay.

22 COMMISSIONER WEISGALL: Yeah.

23 CHAIR PAZ: So, do I. Thank you.

24 MS. BALLIN: Okay.

25 COMMISSIONER WEISGALL: Same here.

1 MS. BALLIN: So, I'll keep moving through real
2 quickly, but we probably should leave at least five
3 minutes for a decision on our next step.

4 MS. CARRILLO: Actually -- yeah. Actually,
5 Lisa, if I may, the coordination to get to the next step
6 might take us to 2:00.

7 MS. BALLIN: Yes. So, let's brief-- now we
8 had just two other recommendations and we can get
9 written input on that.

10 MS. CARRILLO: So, Chair Paz and
11 Commissioners, we have an opportunity to recess today's
12 meeting without a 10-day agenda if you wanted to have a
13 more thorough discussion and identify a time and place.
14 I believe if I could ask my -- our Chief Counsel's
15 office to provide any other direction on that
16 flexibility. Another option, I'm just brainstorming
17 right now, could be to again, focus on the written
18 comment with the why behind it.

19 Our next -- the next Commission's meeting is
20 scheduled on November 17th from -- it's currently
21 scheduled from 2:00 to 5:00. With the time that we've
22 blocked, the Commission may need more time and we've had
23 a challenge finding physical locations in the region
24 during school hours, since we've been predominately
25 using schools. So that might -- we're still -- that

1 meeting may be remote as well, which is a bit of a
2 challenge. So, I'll just leave that to the
3 Commissioners to discuss some of our options.

4 CHAIR PAZ: Point of clarification. Are we
5 entering that discussion now? Or are we wrapping up the
6 two that were remaining?

7 MS. CARRILLO: Your preference. If 2:00 P.M.
8 is a hard stop, then I think we need to think about next
9 steps.

10 CHAIR PAZ: Okay.

11 MS. CARRILLO: And we probably won't have
12 time.

13 CHAIR PAZ: Sounds good.

14 MS. CARRILLO: Yeah.

15 CHAIR PAZ: So, given that we have ten
16 minutes, I think I can entertain a motion right now to
17 see if you want to recess this meeting and agree on
18 another date this week to resume this conversation?

19 MS. DYER: This is --

20 VICE CHAIR KELLEY: Chair Paz, I would motion
21 to carry this conversation to November 17th and have a
22 remote meeting.

23 CHAIR PAZ: Okay.

24 VICE CHAIR KELLEY: And any comments for these
25 items be provided to staff so that they could be

1 addressed for that next conversation.

2 CHAIR PAZ: Okay. Is that a motion --

3 MS. DYER: This is -- I'm sorry to interrupt.

4 This is Debora Dyer. I don't believe we have a quorum
5 right now. So --

6 CHAIR PAZ: Oh.

7 MS. DYER: -- motions can't be entertained at
8 this point.

9 CHAIR PAZ: Well, thank you for that, Deborah.
10 So, I guess we don't have any of those options at our
11 disposal, regardless. So, we'll end the meeting at 2:00
12 and our next meeting is on the 17th.

13 MS. CARRILLO: We could make the decision to
14 schedule a meeting before the 17th. I can't believe I --
15 we -- that is an option for you to consider, not one
16 that I'm advocating for.

17 CHAIR PAZ: And one that needs to be voted on,
18 again.

19 MS. CARRILLO: Yeah.

20 CHAIR PAZ: But then we need the 10-day notice
21 and how far does that put us?

22 MS. CARRILLO: November 10th instead of
23 November 17th.

24 CHAIR PAZ: Yeah. Any recommendations? I
25 mean, Vice Chair Kelley's recommendation is still on the

1 table that we just resume on the 17th, unless --

2 COMMISSIONER CASTANEDA: I would support that.

3 CHAIR PAZ: Yeah? Okay.

4 MS. CARRILLO: So, given that discussion, it
5 looks like we do have eight Commissioners on. Counsel's
6 office, if you could just double check? Is three hours
7 enough? Do we want to plan ahead to have a longer
8 meeting earlier in the day? Again, we looked at 2:00 to
9 5:00. We could also do a poll for time and try to see
10 if we can get some extended time to flesh through these
11 issues.

12 CHAIR PAZ: Well the expectation for that
13 meeting is that we would vote on the final. Correct?

14 MS. CARRILLO: That you will consider text and
15 provide direction to staff, perhaps with a delegation to
16 you, Chair Paz, to confirm that any additional edits
17 will be made.

18 CHAIR PAZ: Before December --

19 MS. CARRILLO: Before it's submitted for
20 December 1st.

21 CHAIR PAZ: So pretty much -- either with some
22 things that you all want to entrust to me that we can
23 agree, consensus on that date. We still need to reach a
24 final decision on where we want this report to go. So,
25 we might need more time than what's up there.

1 COMMISSIONER WEISGALL: Well either consensus,
2 or there may be, on some of these more difficult issues,
3 you know an actual vote. You know --

4 CHAIR PAZ: Yup.

5 COMMISSIONER WEISGALL: -- who is for
6 Recommendation X? What's the vote? And if the vote is
7 to keep it in, and anybody who wants to, you know, file
8 a dissenting view or anything later can do that. But
9 I'm guessing that's kind of what we need to hash out.
10 I, for one, would at least recommend that we go 1:00 to
11 5:00 on the 17th, not 2:00 to 5:00. That's kind of an
12 easy call.

13 CHAIR PAZ: Mmm hmm.

14 COMMISSIONER WEISGALL: And Deana, you're
15 saying what are the odds of this being in person? Any
16 idea?

17 MS. CARRILLO: At a physical location from
18 1:00 to 5:00 we would have a hard time finding a
19 location in the direct -- in Westmorland, Calipatria,
20 and any of the direct communities. We might be able to
21 find a location in Centro.

22 COMMISSIONER CASTANEDA: I support that we do
23 that.

24 COMMISSIONER WEISGALL: Yeah. I think in
25 person is really critical.

1 COMMISSIONER CASTANEDA: I think so too.

2 MS. CARRILLO: Another more viable option for
3 location space would be probably Imperial Valley
4 College.

5 COMMISSIONER CASTANEDA: That's fine.

6 MS. CARRILLO: I'm guessing, we haven't -- we
7 have not found a location yet.

8 COMMISSIONER CASTANEDA: I guess the only
9 direction I guess, because we can't vote on this, is
10 that we not be --

11 MS. DYER: I'm sorry to interrupt. I made a
12 mistake, and we do have quorum.

13 COMMISSIONER CASTANEDA: Oh.

14 MS. DYER: So, we can go back to that motion
15 and I'm -- I apologize. It was my --

16 COMMISSIONER CASTANEDA: What is the motion?

17 CHAIR PAZ: We don't have one.

18 COMMISSIONER CASTANEDA: Okay. So, I move
19 that we have the meeting on the 17th, and we have it a
20 hybrid meeting, as we've had. And that we identify a --
21 if there is no opportunity for a live meeting at any of
22 the locations we've been previously that we find on in
23 El Centro. And whether it's IVC, or the county, or IID,
24 I think that we take that. Because, you know, I think
25 it's fair for the people that have been going to these

1 meetings, that have stuck with us the whole time, to be
2 able to be there and to speak to us and to see us. So.

3 COMMISSIONER OLMEDO: Commissioner Castaneda,
4 does your motion include finalizing the review of the
5 recommendations?

6 COMMISSIONER CASTANEDA: Yes, yes it does.
7 And it would be 1:00 to 5:00 would be the time period.

8 COMMISSIONER OLMEDO: I'd like to second.

9 COMMISSIONER VACCARO: So, with all due
10 respect, Commissioners, this is Commissioner Vaccaro.
11 There was a motion that was made by Commissioner Kelley
12 that has not been withdrawn or voted on. It preceded
13 this more detailed conversation. So --

14 VICE CHAIR KELLEY: That's alright, Kourtney,
15 I'll -- I withdraw that. And I -- it didn't receive a
16 second.

17 COMMISSIONER CASTANEDA: I apologize, I was
18 told there was no motion on the floor. So, that's the
19 only reason that I moved forward. So.

20 COMMISSIONER OLMEDO: Yeah, my apology. I was
21 ready support Commissioner Kelley's motion too. So, I'm
22 okay with it.

23 CHAIR PAZ: I -- yeah. And I think both
24 motions were similar, the 17th. So, I apologize for
25 maybe not -- it's -- for meeting on the 17th, for a

1 meeting longer -- I don't know if that was part of --

2 COMMISSIONER CASTANEDA: It was, there were
3 three. There was the meeting on the 17th, 1:00 to 5:00,
4 hybrid.

5 MS. CARRILLO: And I heard that there was
6 interest in having the meeting towards the South Shore,
7 or I mentioned Centro might have some more facilities.
8 There might be the option, also, that there's more
9 facilities on the North Shore of the sea, or Thermal.
10 We could explore.

11 COMMISSIONER CASTANEDA: If you --

12 MS. CARRILLO: Is anyone wedded to a specific
13 location?

14 VICE CHAIR KELLEY: Deana, I would --

15 COMMISSIONER CASTANEDA: If you can identify
16 that, then that's find.

17 MS. CARRILLO: Okay.

18 VICE CHAIR KELLEY: I would not want to be
19 going to -- no offense. I don't want to be going to
20 Riverside to have this final conversation.

21 COMMISSIONER CASTANEDA: Oh, okay.

22 MS. CARRILLO: Noted.

23 COMMISSIONER CASTANEDA: Well also, somewhere
24 where there is decent --

25 CHAIR PAZ: I'll happily drive to Imperial.

1 COMMISSIONER CASTANEDA: Also somewhere with
2 decent internet service would be helpful as well.

3 MS. CARRILLO: Okay. So, was -- do we have a
4 motion? Cecile, can you help me with this one? I think
5 we have it. From 1:00 to 5:00 on the 17th, as close to
6 the cities that are closest to the projects as possible,
7 within reason. Okay.

8 An adjustment, or just an establishment of
9 expectations. You may -- you will be seeing some
10 revised drafts on the 17th. We will work to incorporate
11 your comments. And we appreciate the time that you'll
12 be putting in to take a look at those in advance of that
13 meeting. I'm not sure of the timing yet.

14 CHAIR PAZ: And Deana, I do want to add in
15 terms of the expectations, that we also include the
16 public comments that we've received. The summary, or --

17 MS. CARRILLO: Yes. We'll get something --

18 CHAIR PAZ: They're going to be docketed, but
19 yeah.

20 MS. CARRILLO: I'll get -- we'll get something
21 on the docket in the next day or so that you can review
22 and look at resources to see what else we can develop in
23 advance of the 17th.

24 CHAIR PAZ: Thank you.

25 MS. CARRILLO: Because if you're assigned on

1 that docket, we got a lot of comments.

2 CHAIR PAZ: We did.

3 MS. DYER: This is Deborah. Chair Paz, we did
4 not take a vote on that motion. I believe there was a
5 motion --

6 CHAIR PAZ: Yes.

7 MS. DYER: -- and then there was a second, but
8 no vote and --

9 CHAIR PAZ: Correct

10 MS. DYER: -- no public comment.

11 CHAIR PAZ: Yes. So that's where we are now.
12 We will open it to public comment, and then we'll come
13 back for the vote. We were just setting the
14 expectations.

15 So, if we can go to a public comment, please?
16 Thank you.

17 MS. CARRILLO: And for clarification before we
18 start this public comment period, this is public comment
19 on the motion to have -- extend the meeting on the 17th,
20 and please submit your comments specific to that motion.
21 If you have a general comment, not specific to this
22 motion, then there will be a general comment period at
23 the end of the meeting. So please limit any public
24 comments to the specific motion of having a meeting from
25 1:00 to 5:00 on November 17th to continue the discussion.

1 CHAIR PAZ: And Deana, before -- I do want to
2 remind you, I and somebody else have a hard stop in one
3 minute. So, when I log off, Vice Chair Kelley, if you
4 can take care of the rest of the meeting? Thank you.

5 MS. CARRILLO: And Chair Paz, we'll also need
6 you for the vote on this motion.

7 COMMISSIONER CASTANEDA: I was going to say,
8 we're going to lose a quorum if we lose anybody.

9 CHAIR PAZ: Okay. So, let's do this then, so
10 we can vote.

11 MS. LOZA: Okay. As a reminder, if you're
12 joining us via Zoom on the computer, please use the
13 raise-hand feature. If you've called in, please dial
14 star-nine to raise your hand and star-six to unmute your
15 phoneline.

16 MS. CARRILLO: Erica, as we wait for that,
17 could you please upgrade -- promote Miranda -- or
18 Commissioner Flores from the panelists to vote? Thank
19 you.

20 MS. LOZA: Okay. I don't see any hands
21 raised. So back to you, Chair Paz.

22 CHAIR PAZ: Thank you.

23 MS. LOZA: Oh, I see -- maybe it's for the
24 second stuff? But I'll allow the phone call pending in
25 -0-4-7? You should be able to unmute yourself.

1 MR. KORN: Yes. My name is David Korn. I
2 would just recommend the Vanash Meeting Hall at
3 Calipatria. V-A-N-A-S-H. It's on 700 East Freeman
4 Street. Just had 95 people from various classes for a
5 class reunion there on Saturday night. It's very nice
6 to use. Possibly a very nice location for a meeting.

7 CHAIR PAZ: Thank you for that.

8 MS. LOZA: Thank you. I don't see any more
9 hands raised, so back to you, Chair Paz.

10 CHAIR PAZ: Thank you. So, we have a motion
11 and a second. If we can please do the roll call?

12 MS. LOZA: Yes. Commissioner Castaneda?

13 COMMISSIONER CASTANEDA: Yes.

14 MS. LOZA: Commissioner Colwell?

15 Commissioner Dolega?

16 Commissioner Flores?

17 COMMISSIONER FLORES: Yes.

18 MS. LOZA: Commissioner Hanks?

19 COMMISSIONER HANKS: Yes.

20 MS. LOZA: Chair -- Vice Chair Kelley?

21 VICE CHAIR KELLEY: Yes.

22 MS. LOZA: Commissioner Lopez?

23 Commissioner Olmedo?

24 Chair Paz?

25 CHAIR PAZ: Yes.

1 MS. LOZA: Commissioner Reynolds?

2 Commissioner Ruiz?

3 COMMISSIONER RUIZ: Yes.

4 MS. LOZA: Commissioner Scott?

5 Commissioner Soto?

6 Commissioner Weisgall?

7 COMMISSIONER WEISGALL: Yes.

8 MS. LOZA: There's seven. Commissioner

9 Olmedo, can I have your vote?

10 COMMISSIONER OLMEDO: My apologies. Yes.

11 MS. LOZA: There's eight.

12 CHAIR PAZ: Thank you. The motion passes, and

13 we will meet on the 17th from 1:00 to 5:00 at a location

14 to be determined in Imperial County. And I'll hand it

15 over to you, Ryan. I'll see you all soon. Thank you.

16 Bye bye.

17 MS. CARRILLO: Commissioner Kelley, you're

18 muted.

19 VICE CHAIR KELLEY: Alright, what do we have

20 left?

21 MS. CARRILLO: I think we're adjourning.

22 VICE CHAIR KELLEY: Motion to adjourn?

23 MS. LOZA: We -- I think we still need to go

24 through general public --

25 MS. CARRILLO: Oh, general public comment.

1 Sorry.

2 VICE CHAIR KELLEY: Okay. At this time, we'll
3 open general public comment.

4 MS. LOZA: As a reminder, if you're joining us
5 via Zoom on the computer, please use the raise-hand
6 feature. If you've called in, please dial star-nine to
7 raise your hand and star-six to unmute your phoneline.

8 The first hand raised I see is Rebecca
9 Zaragosa. You should be able to unmute yourself.

10 MS. LOERA: This is Mariela Loera, with
11 Leadership Counsel. I -- my initial question is -- I'm
12 now a little bit confused about how realistic the time
13 line to have this due or submitted by December 1st is? I
14 mean, I think that it's been clear from today's
15 conversation, and previous conversations, that these
16 conversations take a long time. And coming to a
17 consensus takes a long time. So, just want more
18 clarification if there's going to be further meetings
19 besides the 17th, and what that timeline looks like? And
20 also, how other comments besides what was talked about
21 today and those comments in the docket will be
22 considered?

23 In terms of what was discussed today, I just -
24 - we submitted a letter in conjunction with other
25 partners and I wanted to highlight that letter. And in

1 light of what was talked about today and when it comes
2 to the definition of Lithium Valley, and also what was
3 proposed by Commissioner Kelley I think, according the
4 economic zones. I would like to have more clarification
5 of how those are the same or different? And ensure that
6 when talking about these that Lithium Valley is included
7 in the definition. Sorry, that North Shore, Mecca,
8 Thermal, and Oasis, or the eastern Coachella Valley,
9 including Salton City, is included in the definition of
10 Lithium Valley.

11 And when it comes to the permitting and
12 environmental review conversation, we are in support of
13 some of the recommendations talking about making this
14 more accessible and having that tracking device,
15 whatever that looks like, and whoever is responsible of
16 that, I think and agree that needs to be clarified,
17 including how that's going to be funded. Thank you.

18 MS. LOZA: Thank you. Next hand raised is
19 Carmen Lucas. You should be able to unmute yourself.

20 MS. COYLE: Hi there. This is actually
21 Courtney Coyle, attorney for Carmen Lucas, Kwaaymii
22 Laguna Band of Indians. Energy seems to have been put
23 into the consolidated recommendations, which offer
24 little to meet tribal concerns, instead of revisions to
25 the draft report.

1 We ask that the comments from our submitted
2 October 24th letter be reconsidered during the drafting
3 of the final report and recommendations. I will
4 highlight just a few. Number one, that the tribal
5 culture value of the Southeast Lake Cahuilla Active
6 Volcano Cultural District be acknowledged. The
7 reference added to the draft report, the 2010 Dr. Tom
8 Gates report, is important, but does not address the
9 testimony provided by the affiliated tribes in response
10 to the proposed lithium extraction and KGRA map, which
11 were not available back in 2010.

12 Number two, integrate tribes better into
13 recommendations and findings, as noted in our letter.
14 The four places in the consolidated recommendations
15 where tribes are mentioned do not offer much to tribes.
16 We agree with the letter from Torres-Martinez to add
17 reference for funding to stand up a multi-disciplinary
18 technical review committee, so that affiliated tribes
19 can have access to adequate and independent technical
20 support to more fully participate in the process.

21 Number three, agree with Commissioner Olmedo
22 that clarity of the report would benefit from adding key
23 definitions such as priority permitting process, high
24 road economy, community co-benefit agreements, workforce
25 development, cultural resources, et cetera.

1 Number four, agree with Commissioner Scott's
2 concern about figure 9, showing seven KGRA's in Imperial
3 County, six outside the Salton Sea area. CEC staff did
4 not answer the question asked earlier today. The report
5 must be clear about whether these other areas are in or
6 out of the proposal. Tribal concerns include expansion
7 away from the sea and into green fields, and lack of
8 cultural surveys to date.

9 Number five, concern about potential conflicts
10 of interest where Commissioners have signed comment
11 letters on behalf of their employers. Is this in
12 alignment with fair political practices commission
13 rules? Several of these same Commissioners have also
14 asked that benefits and the community be removed. This
15 includes apparent subtle opposition to full
16 consideration and mitigation of cumulative effects,
17 critical aspects to the consideration of tribal,
18 cultural landscapes such as those found in the
19 aforementioned cultural district.

20 I will also note that the U.S. Environmental
21 Protection Agency has offered a comment letter also
22 asking whether a joint EIR/EIS would be prepared, which
23 we support their letter. We would also ask, consistent
24 with Dr. Blair's comment, that the environmentally
25 superior alternative language from the report be struck

1 and allow that for the CEQA process to determine. Thank
2 you so much for your time and consideration.

3 UNIDENTIFIED SPEAKER: Damn, you're good.

4 MS. LOZA: Thank you. Next hand raised is
5 Christina Marquez. You should be able to unmute
6 yourself.

7 MS. MARQUEZ: Thank you. Good afternoon.
8 Christina Marquez, speaking on behalf of 3,600 IVW Local
9 569, electricians and power professionals, representing
10 San Diego and Imperial Counties. I'm the environmental
11 organizer. And we've been paying attention to these
12 meetings from day one. It's very important to us in the
13 Imperial Valley, especially for our workforce, and for
14 the communities of all of Imperial Valley, to make sure
15 that people have the opportunities to work on (AUDIO CUT
16 OUT) these projects, these (AUDIO CUT OUT)
17 infrastructure. Everyth-- (AUDIO CUT OUT). We are
18 ready to do the work.

19 We are ready to organize more people into
20 these areas. And we know that the only way to get a
21 middle class in Imperial Valley, to keep that, and to
22 keep that going, is to have project labor agreements
23 signed. And I understand that a prevailing wage will
24 already be in there. We all know this. But we need to
25 have project labor agreements to make sure that it

1 includes local hire, that it includes the skilled and
2 trade doing the work, that it also includes state-
3 approved apprenticeship programs with tuition free
4 apprenticeship paid training. Like I said, this is the
5 way to get into the middle class and to stay there.

6 Along with that, community benefits agreement
7 are very important. This will also help to benefit the
8 community. For instance, having the developers pay into
9 a fund to help clean up the Salton Sea. That's one way
10 of -- one example. And then that can also include, you
11 know, local hire for our workforce. And the next
12 generation of people in the trades that are building all
13 of these projects.

14 So, I thank you for your time. And please
15 take note of our letter that we are under the umbrella
16 of the state Building and Construction Trades Council,
17 and Imperial County Building and Construction Trades
18 Council. Those were submitted on the 27th. I hope all of
19 you can read it. Thank you for your time.

20 MS. LOZA: Thank you. Next hand raised is
21 Janira Figueroa. You should be able to unmute yourself.

22 MS. FIGUEROA: Hello. Good afternoon. My
23 name is Janira Figueroa, a policy advocate with Comite
24 Civico. And I would like Comite Civico's letter
25 submitted to the docket recognized and considered in the

1 public comment period. Also, one thing that we would
2 like to uplift is the explicit definition of Lithium
3 Valley.

4 The definition of Lithium Valley has to be
5 clear. And although the state has defined Lithium
6 Valley at the beginning of these conversations as one
7 concept, this Commission has a responsibility to
8 redefine it with a concept that considers Imperial
9 Valley. Once again, the state made a concept, but that
10 was the concept that they had from that level.

11 Now, with the public comments and all the
12 consultation that's been happening at the community
13 level, it's vital that we redefine that concept to one
14 that fits the communities and all of the public comments
15 that have come forward. Just because the state has
16 defined us as one way doesn't mean we have to keep that
17 definition set in stone untouched. So, it's important
18 that we see that responsibility, and that this
19 Commission is at liberty to redefine multiple
20 recommendations. That is the purpose of
21 recommendations, to show with our lived experience, with
22 our community perspective.

23 This is the concept and definition of Lithium
24 Valley that has to go forward. Lithium Valley is
25 Imperial Valley, and it needs to be explicitly mentioned

1 that way, and also considering Eastern Coachella Valley.
2 But, the use of using Riverside County is not a lived
3 experience, is not a perspective that anybody in the
4 Imperial Valley or Eastern Coachella Valleys agree with.
5 So, it's important to take that notion of redefining the
6 concept and making it fit -- not fitting into the mold
7 that was given to us, but redefining that mold. So,
8 thank you very much for your time.

9 MS. LOZA: Thank you. Next hand raised is
10 Jeremy Smith. You should be able to unmute yourself.

11 MR. SMITH: Thank you. Good afternoon,
12 Commissioners and staff. Jeremy Smith here from the
13 state Building and Construction Trades Council of
14 California. Thank you all for your hard work and time
15 on this draft report.

16 We represent 450,000 construction workers in
17 157 affiliated unions from about 14 different
18 construction crafts, including 22 local building trades
19 councils and about 125 affiliated state approved joint
20 apprenticeship training committees that are responsible
21 for training apprentices and providing journey-person
22 upgrade training throughout the state.

23 First, let me address the use of the term high
24 road. It was suggested that this implies, earlier, that
25 a low road exists and should be removed. As a worker

1 advocate, I can say to you all that there is no need for
2 an implication. It does exist. It is not enough to
3 rely on a few kind words and assurances to simply trust
4 profit-driven companies and their representatives that
5 they will look after workers on these projects. The
6 profit drive often leads to the low road.

7 The reason the state of California created the
8 high road concept is because they were responding to the
9 use of the social safety net by too many workers who
10 need it because they work for low wage, high profit
11 employers who don't share those gains with the workers
12 they employ. We would urge the term high road remain in
13 the final report.

14 Secondly, a word about project labor
15 agreements. They have been around since the Hoover Dam
16 was built under one. During that time, most PLAs have
17 been used in the private sector. Over the last five
18 decades, companies such as Disney, Toyota, and General
19 Motors have utilized PLAs along with every single major
20 oil refiner in California, all of whom have a PLA for
21 construction and maintenance.

22 It was noted by a Commissioner that PLAs and
23 CBAs, community benefit agreements, are the same thing.
24 PLAs are for the construction of facilities and ensure
25 the use of a skilled and trained workforce with payment

1 of prevailing wage. Community benefit agreements are
2 negotiated between various stakeholders, such as
3 community groups, labor organizations, and environmental
4 groups, and developers, and require specified local
5 benefits to maximize the positive impact of public
6 investment.

7 Such as, investments in environmental
8 restoration and other direct benefits to low-income
9 communities, along with a shared vision for development
10 that benefits the whole community. If we all say we
11 share the goal of ensuring that the lithium extraction
12 and refining industry will be one that provides benefits
13 to the local communities, we should support CBAs and
14 PLAs and ensure a true partnership with the local
15 community.

16 Finally, a word about training. Using
17 unskilled workers to build complex facilities does not
18 make economic sense and puts into question the health
19 and safety of the workers along with the cities and
20 towns around the project. We are here to make the point
21 that our unions are ready to train the current and next
22 generation of workers needed for the projects in the
23 space. There is no need to be redundant with training
24 programs. No need to create ones.

25 Finally, it was telling that no Commissioners

1 have opposed Recommendation 17 earlier, that it asks for
2 investments in repairs and improvements to critical
3 infrastructure and housing needed to support the success
4 of the lithium industry. Presumably, investments by the
5 public. Yet a handful of Commissioners did not support
6 Recommendation 15, which invests in the economic
7 stability of workers.

8 It is incumbent on the Lithium Valley
9 Commission that their final report to the legislature
10 include that construction workers need to be treated
11 with respect and dignity. That they be paid the
12 prevailing wage with benefits so that they can raise
13 their families outside of the social safety net, and
14 that the surrounding community needs are met and not
15 swept under the rug. Thank you.

16 MS. LOZA: Thank you. Next hand raised is
17 Rebecca Zaragoza. You should be able to unmute
18 yourself.

19 MS. ZARAGOSA: Sorry, I didn't mean to have my
20 hand up.

21 MS. LOZA: Okay. Next hand raised is for
22 Hector IVEW 569, you should be able to unmute yourself.

23 MR. MEZA: Hi, this is Hector Meza from
24 Brawley. I am an ITIF apprenticeship graduate and a
25 California licensed journeyman electrician with the IVEW

1 569. PLAs set the rules and provide local skilled
2 labor, that way developers don't end up bringing labor
3 from Texas or other states to build our plants.
4 Maintenance agreements help the local skilled force to
5 work on plants when major maintenance shutdowns are
6 needed, making sure the locals that build them work on
7 them. CBAs, with full respect to our supervisor, CBAs
8 are needed to make sure public benefits have a maximum
9 impact in our communities. Thank you.

10 MS. LOZA: Thank you. There's two hands
11 raised. First is Nilda Ruiz, and then Jared Naimark.
12 Nilda, you should be able to unmute yourself.

13 MS. RUIZ: Thank you, Erica. Good afternoon,
14 Commissioners. My name is Nilda Ruiz. I am a special
15 projects manager with Alianza Coachella Valley. I don't
16 have any comments on a discussion at this time, since I
17 had another overlapping event I needed to attend, so I
18 look forward to seeing the recording, to see the
19 discussion, hear the discussion with the Commissioners.

20 But I did want to take this time to thank the
21 CEC staff for holding the community workshops throughout
22 the Salton Sea region. I think it really helped to fill
23 in the gap for community members that otherwise would
24 have not have been able to provide their comments on the
25 draft report. And really appreciate that they were --

1 the CEC staff was really open to even just taking the
2 questions community members had, whatever it might have
3 been, whether it was about workforce development or
4 ongoing questioning about environmental impacts.
5 Community members truly appreciated the opportunities to
6 submit those questions, even if they did not have a very
7 specific recommendation.

8 So, thank you, CEC staff. I think you all did
9 a really great job there. And really appreciate the
10 opportunity for community members to participate in the
11 public comment process. Thank you.

12 MS. LOZA: Next hand is Jared Naimark, you
13 should be able to unmute yourself.

14 MR. NAIMARK: Hello, this is Jared Naimark.
15 I'm the California Mining Organizer with Earthworks.
16 And today, I'd just like to make a comment about the
17 process. Moving forward, many organizations,
18 individuals, community members submitted public comments
19 based on the most recent version of the draft Commission
20 Report, including myself on behalf of Earthworks. And I
21 think what I took away from this meeting, is that there
22 were not just consolidation of recommendations presented
23 today, but actually substantive changes to those
24 recommendations. And I would like to make sure that
25 there's the chance for the Commissioners to really read

1 through all the public comments and think through, you
2 know, whether those revisions, compared with the
3 previous version of the report, is what's needed or not.

4 It seemed like today we were just taking those
5 consolidated recommendations as a starting point, but in
6 many cases there were actually much stronger and
7 detailed recommendations in the previous draft. And I
8 think some of the public comments will speak to that.
9 So, I would just like to urge some clarity going forward
10 as to how the public comments received will be reviewed
11 and discussed by the Commissioners. And if there's
12 another opportunity for the public to comment, you know,
13 if there's another draft report that's released based on
14 those pretty substantive changes to the
15 recommendations, I think it would be beneficial to
16 everyone and every stakeholder in this process to be
17 able to have a chance for more public comments on the
18 next version of this report. So that's all I'd like to
19 say today, thank you so much.

20 MS. LOZA: Thank you. Next hand raised is
21 from Jose Flores. You should be able to unmute
22 yourself.

23 MR. FLORES: Hello, good afternoon. Jose
24 Flores, Imperial Valley resident. Just to reiterate
25 some of the comments throughout the day. Definitions

1 are very important. Again, there's been many letters
2 that have been inputted into the docket. But I wanted
3 to take this time to public comment to once again
4 reiterate about the definition.

5 The broad -- the concern about the broad
6 definition of Lithium Valley and the broad definition of
7 the Salton Sea region, again, there's no issue with
8 obviously including the frontline fence line communities
9 of eastern Coachella Valley. But again, the concern is
10 as an Imperial Valley resident, is when it's extended to
11 the Arizona border and all the way through Palm Desert,
12 it kind of opens up the issue or opens up the window for
13 other players to come into the ability to be considered
14 part of the issue of the Salton Sea region, which would
15 be like San Diego county can come in with Borrego
16 Springs, which Borrego Springs is a lot closer than some
17 of the cities on the furthest outpost of Riverside
18 County.

19 So that's my main concern, thank you very
20 much. I'm looking forward to hearing the conversation,
21 the continued conversation, on November 17th. And also
22 looking forward that maybe one added hour of dialogue
23 would be also increasing the ability for community
24 input, and the dialogue between the Commissioners
25 themselves. Thank you very much.

1 MS. LOZA: Thank you. The next hand raised is
2 from Sean-Keoni Ellis. You should be able to unmute
3 yourself.

4 MR. ELLIS: Good afternoon, Commissioners. I
5 hope you guys are having a beautiful day. My name is
6 Sean-Keoni Ellis. I am the political organizer for the
7 (AUDIO CUT OUT) United Association Plumbers and
8 Pipefitters Union urge this Commission to support the
9 Califor(AUDIO CUT OUT) developer (AUDIO CUT OUT) to step
10 in to project labor agreements. I mean, let's just be
11 honest. I can sit here for the next hour and tell you
12 how important project labor agreements are to the
13 community of Imperial Valley and to the future of
14 lithium production. I mean, when you're looking at
15 \$77,000 per metric ton of lithium, it's almost crazy to
16 think that we shouldn't have project labor agreements
17 with all trades and not choosing winners or losers. So,
18 thank you for your time, Commission, and hope you guys
19 have a great happy Halloween. Thank you. Have a great
20 day. Bye.

21 MS. LOZA: Okay. I did want to check with
22 Rebecca Zaragoza to make sure that the raised hand was a
23 mistake, or if you still had a comment? You can -- you
24 have the ability to unmute yourself.

25 MS. ZARAGOZA: I don't have a comment. I

1 don't see my hand raised.

2 MS. LOZA: Okay. That was from the first one.

3 Thank you.

4 MS. ZARAGOZA: Yeah.

5 MS. LOZA: Okay. So, then we have written
6 questions. The first is from Bret Raymis and it says,
7 "Could the agency carve out a small percentage of
8 lithium brine from Imperial County for small companies
9 doing R&D for new flow batteries?" And it says, CEO of
10 PWRJoule.

11 The next comment is from Jared Naimark and it
12 says, "When will Commissioners discuss the public
13 comments that were received on the draft report?"

14 So those are the two comments. I don't see
15 any more hands raised, so back to you, Vice Chair.

16 You're on mute.

17 VICE CHAIR KELLEY: Thank you. Having no
18 other items of business, then I will entertain a motion
19 to adjourn.

20 COMMISSIONER WEISGALL: So moved.

21 VICE CHAIR KELLEY: Okay. We don't need to do
22 a roll call.

23 COMMISSIONER WEISGALL: No.

24 VICE CHAIR KELLEY: Alright. Thank you all.

25 We'll see you on November 17th.

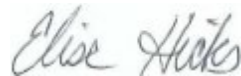
1 (Whereupon the meeting was adjourned at 2:25
2 P.M.)
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CERTIFICATE OF REPORTER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

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.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of December, 2022.



ELISE HICKS, IAPRT

CERT**2176

CERTIFICATE OF TRANSCRIBER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

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.

I certify that the foregoing is a correct transcript, to the best of my ability, from the electronic sound recording of the proceedings in the above-entitled matter.



MARTHA L. NELSON, CERT**367

December 7, 2022