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THE STATE OF CALIFORNIA

**Energy Resources Conservation
and Development Commission**

In the Matter of:)
Application for Certification for the)
Morton Bay Geothermal Project)
)
)
_____)

Docket No. 23-AFC-01

**MORTON BAY GEOTHERMAL PROJECT
STATUS REPORT NO. 6**

Samantha G. Neumyer
Jessica L. Melms
Ellison Schneider Harris & Donlan LLP
2600 Capitol Avenue, Suite 400
Sacramento, CA 95816
sgn@eslawfirm.com
jmelms@eslawfirm.com
(916) 447-2166

Attorneys for Applicant

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MORTON BAY GEOTHERMAL PROJECT
STATUS REPORT NO. 6

Pursuant to the *Presiding Member’s Scheduling Order for the Morton Bay Geothermal Project Proceeding*,¹ Morton Bay Geothermal LLC (“the Applicant”) provides this *Status Report No. 6* to update the Committee regarding the status of the Application for Certification proceeding for the Morton Bay Geothermal Project (“MBGP”).

I. SUMMARY OF PROGRESS OF DISCOVERY

As of the date of this filing, the Applicant has submitted all remaining formal responses to outstanding data requests. Based on recent information exchanges with California Energy Commission (“CEC”) Staff, the Applicant will be providing informal data responses relating to Biological Resources, and Alternatives. A brief summary of the Applicant’s responses to data requests since the submission of *Status Report No. 5* is provided below.

- On March 4, 2024, the Applicant docketed a *Burrowing Owl Survey Report*.²
- On March 8, 2024, the Applicant docketed revised responses to *CEC Data Requests Set 4*.³
- On March 19, 2024, the Applicant docketed notice that Air Dispersion Modeling Files are available for viewing in response to *CEC Data Requests Set 4*.⁴

II. DESCRIPTION OF SIGNIFICANT COMMUNICATIONS WITH OTHER FEDERAL, STATE, LOCAL AGENCIES, AND TRIBAL GOVERNMENTS

A brief description of the Applicant’s significant communications with other federal, state, local agencies, and tribal governments is provided below.

- The Applicant continues to engage with local Native American tribes. The Applicant met with the Agua Caliente Band of Cahuilla Indians on March 21, 2024; the Fort Yuma Quechan

¹ TN#: 252284.

² TN#: 254834.

³ TN#: 254937.

⁴ TN#: 255174.

Indian Tribe on March 22, 2024; and will be meeting with the Kwaaymii Laguna Band of Indians on March 29, 2024.

- The Applicant has been in communication with the U.S. Army Corps of Engineers (“USACE”) regarding the *Approved Jurisdictional Determination Request for the Morton Bay Geothermal Project*⁵ and had a site visit with the USACE on March 12, 2024. On March 27, 2024, the USACE informed the Applicant that it is evaluating areas of the MBGP site as potentially jurisdictional based on current conditions.
- On March 25, 2024, the Applicant met with the California Department of Conservation, Geologic Energy Management Division (“CalGEM”) to discuss well placement, mineral rights, and the reservoir modeling report and will be providing CalGEM additional information regarding these items.
- On February 29, 2024, the Applicant submitted a revised conditional use permit application to the Imperial County Planning Department.
- The Applicant has discussed the issuance of applicable regulatory requirements with the Colorado River Basin Regional Water Quality Control Board.

III. OUTCOME OF PUBLIC WORKSHOPS OR MEETINGS

On March 12, 2024, the Applicant participated in a meet and confer amongst the parties regarding Staff’s proposed motion to amend the dates in the current Scheduling Order for (1) publication of the Preliminary Staff Assessment (“PSA”) and (2) the public comment period on the PSA.

On March 28, 2024, the Applicant met with CEC Staff to discuss alternative cooling technologies evaluated by the Applicant.

IV. SCHEDULE

The Applicant continues to have concerns regarding the schedule in this proceeding. On March 13, 2024, Staff filed its *Motion to Extend the Due Date for the Preliminary Staff Assessment and the Public Comment Period*.⁶ On March 27, 2024, the Applicant filed its *Partial Opposition*.⁷ As described in greater detail in the *Partial Opposition*, the Applicant does not agree that a nearly three-month extension to the publication date of the PSA is reasonable or appropriate. While the Applicant does not object to the proposed 45-day public comment period on the PSA or extension of the PSA publication date, the Applicant objects to Staff’s proposed publication date for the MBGP PSA. The Applicant proposes that a more moderate extension of the PSA publication date be granted by the Committee. Specifically, the Applicant proposes a PSA publication date of April 30, 2024 for the MBGP.

The Applicant continues to work with all parties and stakeholders to advance this important, much needed baseload renewable energy project.

⁵ TN#: 252694

⁶ TN#: 255054.

⁷ TN#: 255305.

Dated: March 29, 2024

Respectfully submitted,

ELLISON SCHNEIDER HARRIS & DONLAN L.L.P.

By  _____

Samantha G. Neumyer
Jessica L. Melms
Ellison Schneider Harris & Donlan LLP
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Sacramento, CA 95816
sgn@eslawfirm.com
jmelms@eslawfirm.com
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Attorneys for Applicant