

<b>DOCKETED</b>	
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<b>Project Title:</b>	Elmore North Geothermal Project (ENGP)
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Memorandum

**To:** Commissioner Noemi Gallardo, Presiding Member  
Commissioner Andrew McAllister, Associate Member

**Date:** July 29, 2024

**From:** California Energy Commission  
715 P Street  
Sacramento, CA 95814-5512

Eric Veerkamp  
Project Manager  
(916) 661-8458

**Subject: STATUS REPORT #10 FOR ELMORE NORTH GEOTHERMAL PROJECT (23-AFC-02) AND RESPONSE TO COMMITTEE ORDER**

The Presiding Member's Scheduling Order for the Elmore North Geothermal Project (ENGP) Proceeding filed on September 15, 2023, orders the parties to file a status report on "October 31st, and by the last business day of every month thereafter." The California Energy Commission staff is further ordered to "include summaries of the progress of discovery in each monthly report, including descriptions of significant communications with other federal, state, and local agencies, and tribal governments, and identify any factors that may impact the schedule of the proceeding. Status reports shall also include a description of the outcome of any public workshop or other meeting held during that month."

On July 26, 2024, the committee issued an order which in part extended the comment period for all three projects to **September 2, 2024**. The committee also declined to reschedule staff's workshop but directed staff to confirm by July 29, 2024, that staff's workshop would still occur at the notice date. The order also directed staff to file a proposed schedule for the remainder of the proceeding.

**Confirmation of Staff's Scheduled Workshop**

The scheduled staff workshop will take place as noticed on July 31, and August 1, 2024.

**Summary of Progress of Discovery and Known Issues**

On July 5, 2024, the County of Imperial filed Fiscal Economic Impact Analysis (TN 257613)

On July 23, 2024, the Imperial Irrigation District filed Imperial Irrigation District Comment Letter CEC NOA of the PSA (TN 257957)

On July 24, 2024, the Imperial Valley Equity Justice Coalition filed IVEJC Request to CEC for Delayed Workshop and Public Comment Period July 2024 (TN 257981)

On July 24, 2024, the Aqua Terra Aeris Law Group filed, Request to Extend Commenting Deadline to Accommodate Technical and Mitigation Workshop Scheduled for 7/31/2024 (TN 257983)

On July 25, 2024, Jobs to Move America filed, JMA Comments and Request Regarding Preliminary Staff Assessment Technical and Mitigation Workshop Date (TN 257989)

On July 25, 2024, the San Diego and Imperial Counties Labor Council filed, RE Docket Nos 23-AFC-01, 23-AFC-02, and 23-AFC-03 [consider postponing the workshop and extending the comment deadline] (TN 257998)

### **Schedule Impacts**

On July 24, 2024, four similar comments were submitted to the three geothermal project dockets. Aqua Terra Aeris Law Group representing intervenor United Automobile, Aerospace, and Agricultural Implement Workers of America (UAW) requested the committee extend the comment period for ENGP to a date after the staff workshop scheduled for July 31 through August 1, 2024. The UAW also requested the Committee order CEC staff to move the scheduled workshop out at least two weeks to accommodate attendance and preparation.

The second filing was by Imperial Valley Equity and Justice Coalition. This community commenter requested the committee extend the comment period for all three projects to 75 days and to require notice of the staff workshop to be given 35 days in advance.

The third was by Jobs to Move America (JMA). JMA requested postponing the workshop until early September and extending the comment deadline until after the reschedule workshop.

The fourth was by the San Diego and Imperial Counties Labor Council. The Labor Council requested moving the workshop to the week of August 5 and extending the comment deadline until after the rescheduled workshop.

### **The July31-August 1 workshop was scheduled in compliance with regulatory requirements and is required to discuss changes to the preliminary staff assessment (PSA) with any party.**

Staff scheduled the workshop on July 31 through August 1, 2024, in compliance with the notice requirements in California Code of Regulations, title 20, sections 1207.5 and 1209, and made clear the workshop was not a committee-held event such as the prior informational hearing and site visit, but rather a staff workshop under California Code of Regulations, title 20, section 1711. The purpose of the workshop is for staff, the parties and public, to consider possible changes to staff's analysis, conclusions, and proposed mitigation in the PSA. Staff and the parties will discuss various topics in the PSA, including air quality, project design, water usage and management. Under section 1711, staff is required to conduct these discussions in a public forum. Staff does not anticipate that all issues will be resolved in a single workshop, but rather, that continued public discourse on the analysis,

conclusions, and proposed mitigation contained in the PSA will be required and additional workshops held.

### **September Workshop**

To address the concerns of the commenters, staff is scheduling a second public workshop during the month of September. Staff will make every attempt to provide longer notice for that workshop. However, staff reserves the right to hold additional workshops as needed upon the required ten-day notice. Future staff workshops may occur in a hybrid or remote-only format to allow for local participation and alleviate travel burdens for other interested individuals. Staff is encouraged by the robust public interest in this application for certification and welcomes all comments. Cancelling or rescheduling the July 31 through August 1 workshop would delay staff's preparation of the Final Staff Assessment (FSA) and postpone initiation of discussion regarding potential changes to staff's analysis and proposed mitigation. Staff notes that the CEC's regulations limit staff's ability to engage with parties regarding staff's analysis and proposed mitigation outside of a noticed public workshop. Delaying the scheduled workshop would impede staff's ability to update and improve the PSA as it transitions into the FSA. Staff also notes that public comments are accepted during any staff workshop regardless of whether that workshop occurs during or after a specified comment period.

### **Proposed Schedule**

Consistent with the committee's July 26, 2024 order, staff will file a proposed schedule by August 7, 2024.