

DOCKETED

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State of California

California Natural Resources Agency

M e m o r a n d u m

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

Date: July 29, 2024

From: California Energy Commission
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Subject: STATUS REPORT #10 FOR MORTON BAY GEOTHERMAL PROJECT (23-AFC-01) AND RESPONSE TO COMMITTEE ORDER

The Presiding Member's Scheduling Order for the Morton Bay Geothermal Project (MBGP) 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 257612)

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 257980)

On July 25, 2024, Jobs to Move America filed, JMA Comments and request Regarding Preliminary Staff Assessment Technical and Mitigation Workshop Date (TN 257988)

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 257997)

Schedule Impacts

On July 24, 2024, three similar comments were submitted to the three geothermal project dockets. The Imperial Valley Equity and Justice Coalition 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 second was by Jobs to Move America (JMA). JMA is requested postponing the workshop until early September and extending the comment deadline until after the reschedule workshop.

The third 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.