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September 4, 2024

California Energy Commission
715 P. Street
Sacramento, CA 95814

Re: Imperial Valley Equity and Justice Coalition's Comments on Preliminary Staff Assessment for Docket 23-AFC-01, 23-AFC-02, and 23-AFC-03

To the California Energy Commission,

Imperial Valley Equity and Justice Coalition (IVEJC) is writing to formally submit our organization's comments on the Preliminary Staff Assessments for the Morton Bay Geothermal Project, Elmore North Geothermal Project, and Black Rock Geothermal Project (Docket 23-AFC-01, 23-AFC-02, and 23-AFC-03).

IVEJC is a community-based organization engaged in community education, organizing, and engagement around public health equity, environmental and social justice, and community oriented economic development since our inception in 2020. Since May 2022 to date, IVEJC has engaged with and provided education to over a thousand residents and stakeholders in the cities of Calipatria, Westmorland, Bombay Beach, Niland, Holtville, Ocotillo, Imperial, El Centro, Calexico, and the Quechan Nation. In this period, we hosted numerous resource tables and lithium community meetings. Our comments are informed by our experiences engaging with communities that will be directly impacted by these projects in Imperial County and the greater Salton Sea region. We join other groups like the intervener United Automobile, Aerospace, and Agricultural Implement Workers of America ("UAW") in the sentiment that the California Energy Commission should not issue the Application for Certification until significant issues are addressed and remedied.

- **All three PSAs fail to adequately follow environmental justice principles described in California Government Code section 65040.12.**

The PSAs state that meaningful involvement with potentially impacted communities occurs when "the concerns of all participants involved are considered in the decision-making process." The PSA also states that "CEC staff and the Public Advisor's Office (PAO) coordinated closely on public outreach early in the review process. The PAO reached out to a wide array of local and regional entities including community-based organizations dedicated to environmental health, social and environmental justice, air quality, education, and labor..." However, it is not sufficient to engage directly impacted communities via organizations. To reach directly impacted communities and have their voices heard, it's important that the CEC hears directly from residents and not only via the organization proxy. We have spoken to hundreds of residents and they have expressed that adequate community engagement has not occurred as these projects have been considered. As we noted in prior comments, the 7 day workshop notice and the format of the recent technical workshop on July 31st did not foster meaningful community



engagement. Besides that workshop, residents were not offered proper tools for gathering community input. The standard public comment docket does not work well for directly impacted communities that have limited access to the internet. When we directed people to submit their comments via email at docket@energy.ca.gov they received a response asking the resident to upload it to the docket. While we understand the docket is a process that works for some, it is highly burdensome for many residents that are not familiar with these bureaucratic processes. To help the community convey their concerns, we submit a file with a compilation of resident comments.

- **Air Quality; Public Health; Climate Change and Greenhouse Gas Emissions; Hazards, Hazardous Materials/Waste, and Wildlife; Socioeconomics; Transportation; Cultural and Tribal Cultural Resources; and Water Resources need robust mitigation plans in the PSA before the CEC allows the project to move forward.**

As a collective organization, we believe that every Imperial County resident deserves to live, work, dream, and thrive. And while we support the urgency to move away from fossil fuels to fully rely on clean energy and understand the proposed role for Imperial County given the large lithium deposits found in the southeast shore of the Salton Sea, we believe that people and our environment deserves to be protected and not sacrificed at the expense of corporate profit. Unfortunately, the decades leading up to this moment are marked by a historical marginalization and exploitation for resources to export to the rest of the nation and globe; deeply rooted health disparities (i.e., child emergency room visits due to asthma) due to textbook examples of environmental racism at the Salton Sea; and a lack of investment in infrastructure for our health care, transportation, electric grid, and water systems. Together, the history of the past several decades makes for alarming baseline conditions, sensitive populations, and at an elevated risk for harmful cumulative environmental impacts. We insist on long-term, participatory, and accountable, community benefits programs that mitigate the socioeconomic impacts of powerful corporations in our community.

As it relates to air quality, we have significant issues with the threshold being used for PM2.5 and other particulate matter. As a county with notoriously poor air quality and high child asthma rates, we believe the highest possible air quality standards should be observed for any new developments. The current PSA uses the outdated annual particulate matter allowance, higher and less protective of a threshold than the new March 6, 2024 U.S. EPA. When we still have time to secure the highest safeguards, we insist that our air quality cannot be further compromised because of mere technicalities over the filing date for these projects.

As it relates to socioeconomics, we have concerns over the narrow socioeconomic impacts and environmental justice impact categories in the PSA. Investor-led developments may bring economic opportunity, but they can also bring economic inequality and concentrations of political



power in our already highly unequal community. A one-time payment to a school district feels more like a payoff rather than a sustained mitigation of the socioeconomic impacts of development by powerful corporations in rural communities.

Government agencies such as the California Energy Commission and the United States Environmental Protection Agency create the thresholds for allowable impact or determine when impacts are “less than significant.” Agencies also adhere to the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, religion, sex or national origin. Since the establishment of Imperial County, the state’s most nonwhite county, our story has been about exploration and extraction of resources and labor. We see environmental racism and the policies that have allowed for continued exploitation and extraction continue to make conditions worse, not better. This history and truth has to be recognized and be part of the reasoning to hold companies that aim to extract more resources from our community to the highest standards of safety for our communities and environment. Because of this history and the impact as seen in our sick bodies and harsh environmental and socioeconomic conditions, we must not allow any further impact. Any amount of negative impact to our current baseline conditions should not be allowed. See a summary of alarming baseline conditions and environmental indicators in the Census Tract making up part of the study area (CalEnviroScreen 4.0).

On a scale of 0-100 with 90-100 being the highest scores:

- CalEnviroScreen 4.0 Percentile: 82
- Pollution Burden Percentile: 63
- Population Characteristics Percentile: 86
- Exposures:
 - Pesticides: 91
 - Drinking Water: 31
- Environmental effects:
 - Cleanup Sites: 74
 - Groundwater Threats 78
 - Hazardous Waste: 93
 - Impaired Waters: 100
 - Solid Waste: 87
- Sensitive Populations:
 - Asthma: 88
 - Cardiovascular Disease: 83
- **We are concerned with the resistance to account for well-established expectations of future uses of geothermal energy facilities as part of the Lithium Valley Specific Plan. The PSA does not account for, nor include mitigation measures, that consider the holistic and cumulative impacts of additional plants that incorporate widely anticipated uses of geothermal plants as part of the Lithium Valley EIR & Specific Plan.**



Our coalition members joined the California Energy Commission's Joint Environmental Scoping Meeting and Informational Hearing in our community of Calipatria, Imperial County on Thursday, August 31, 2023. In that hearing, Alicia Knapp, CEO of BHE Renewables, said "we certainly expect to be able to, and that's why we've undertaken the project" after being asked the following: "You received a grant from the California Energy Commission to do a pilot project around lithium production... Could you just speak about the likelihood of that activity occurring ultimately on site at these three facilities?" Later, Supervisor Ryan Kelley stated that "the horses are coming in 15 and this is the race of beginning Lithium Valley." Even Efrain Silva, Dean of Economic and Workforce Development at Imperial Valley College added that they began offering a lithium related training program. Everybody is aware of BHER's intention to extract lithium in these plants. However, the California Energy Commission is continuing to allow Berkshire Hathaway to undergo an environmental assessment without the full picture. One of the greatest limitations of the PSA is that it fails to make a cumulative assessment about the impacts of this project in relation to the ultimate goals for lithium extraction or about the impact of these projects on top of the nearly 52,000 acres in the Salton Sea Geothermal Resource Area that is currently undergoing re-zoning to support new land uses with a heavy emphasis on manufacturing, logistics, industrial and renewable energy use.

Thank you for taking the time to consider the noted topics to be included in the analysis during the PSAs for Morton Bay Geothermal Project, Elmore North Geothermal Project, and Black Rock Geothermal Project. We would like to see the analysis on all topics submitted by our coalition. We are looking forward to reviewing these items in the next iteration of the PSA.

Respectfully,

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