

DOCKETED

Docket Number:	23-AFC-01
Project Title:	Morton Bay Geothermal Project (MBGP)
TN #:	259350
Document Title:	Status Report #12
Description:	N/A
Filer:	Marichka Haws
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	9/30/2024 3:46:32 PM
Docketed Date:	9/30/2024

M e m o r a n d u m

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

Date: September 30, 2024

From: California Energy Commission
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Subject: STATUS REPORT #12 FOR MORTON BAY GEOTHERMAL PROJECT (23-AFC-01)

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.”

The Joint Order Directing Parties to Meet and Confer and to Submit a Proposed Schedule, issued on September 17, 2024, directs the parties to meet and confer and submit a joint schedule for the remainder of each proceeding, or to file separate proposed schedules, if there are disagreements. CEC staff and applicant agreed to a joint schedule, docketed by applicant on September 27, 2024 (TN 259330).

Summary of Progress of Discovery and Known Issues

On September 4, 2024, Jobs to Move America, filed JMA Comments on PSAs for MBGP, ENGP, and BRGP (TN 258928)

On September 4, 2024, Jamie Asbury [IID] filed Jamie Asbury Comments-The Imperial Irrigation District’s Joint Comments to Proposed BGER Geothermal Projects (TN 258942)

On September 4, 2024, USFWS filed U.S. Fish and Wildlife Service Comments-Comments on the Preliminary Staff Assessments for the Morton Bay, Elmore North, and Black Rock Geothermal Projects (TN 258946)

On September 4, 2024, Aqua Terris Law Group filed Exhibit B UAW Comments on Morton Bay Project PSA (TN 258960)

On September 4, 2024, Aqua Terris Law Group filed Exhibit C UAW Comments on Morton Bay Project PSA (TN 258961)

On September 4, 2024, Aqua Terris Law Group filed Exhibit D UAW Comments on Morton Bay Project PSA (TN 258962)

On September 4, 2024, Aqua Terris Law Group filed Exhibit E UAW Comments on Morton Bay Project PSA (TN 258963)

On September 4, 2024, Aqua Terris Law Group filed Exhibit H UAW Comments on Morton Bay Project PSA (TN 258964)

On September 4, 2024, Aqua Terris Law Group filed Exhibit I UAW Comments on Morton Bay Project PSA (TN 258965)

On September 4, 2024, Aqua Terris Law Group filed Exhibit J UAW Comments on Morton Bay Project PSA (TN 258966)

On September 4, 2024, Aqua Terris Law Group filed United Automobile, Aerospace and Agricultural Workers of America's comments on Preliminary Staff Assessment for Morton Bay (TN 258967)

On September 4, 2024, Aqua Terris Law Group filed Exhibit A UAW Comments on Morton Bay Project PSA (TN 258968)

On September 4, 2024, Lozeau Drury, LLP filed Supporters Alliance for Environmental Responsibility Comment on Preliminary Staff Assessment-MBGP (TN 258969)

On September 4, 2024, Aqua Terris Law Group filed Exhibit F UAW Comments on Morton Bay Project PSA (TN 258970)

On September 4, 2024, Aqua Terris Law Group filed Exhibit G UAW Comments on Morton Bay Project PSA (TN 258971)

On September 4, 2024, Jacobs filed Morton Bay Geothermal LLC Comments on the Preliminary Staff Assessment (TN 258975)

On September 4, 2024, James Blair filed James Blair Comments _ LVETAG Comments on Preliminary Staff Assessments for proposed Elmore North, Morton Bay, and Black Rock Geothermal Projects (258985)

On September 4, 2024, Hudson Ranch Power 1 filed Hudson Ranch Power 1 Comments- HRP1 Comment regarding PSA for Morton Bay (TN 258982)

On September 4, 2024, Imperial Valley Equity and Justice Coalition filed Imperial Valley Equity and Justice Coalition's Comments on Preliminary Staff Assessment for Docket 23-AFC-01, 23-AFC-02, and 23-AFC-03 (TN 258991)

On September 4, 2024, Imperial County Residents filed Imperial County Resident Comments (TN 258992)

On September 4, 2024, CURE filed comments of the California Unions for Reliable Energy on the Preliminary Staff Assessment (TN 258995)

On September 5, 2024, Imperial Valley Regional Director, ACLU of San Diego and Imperial Counties filed ACLU SDIC comment to CEC (TN 258998)

On September 5, 2024, California Dept. of Conservation, Geologic Energy Management Division filed BRGP-ENGP-MBGP 2024-09-04-CalGEM Comments to PSAs (TN 259001)

On September 5, 2024, Davina Whitethorne filed Comments from Kwaaymii Band of Laguna Indians (TN 259012)

On September 20, 2024, Michael McKibben filed Michael McKibben Comments- Water Use assessments for docket numbers 23-AFC-01, 23-AFC-02, and 23-AFC-03 (TN 259246)

Description of Outcomes of the September 6 Tribal Workshop

At a public workshop held in Imperial, California on September 6, 2024, staff, the applicant, and the intervenors discussed and considered changes to staff's conclusions for various topics in the Preliminary Staff Assessments (PSAs), with a focus on tribal concerns. The discussion touched on many technical areas, including Alternatives, Water Resources, Biological Resources, and Transmission System Design. Tribally focused discourse brought heightened awareness to topics, including potential site reconfiguration/relocation, noise impacts, visual impacts, induced seismicity/geology, and cumulative impacts, and potential mitigation for such impacts. The public forum provided for the discussion to be conducted in accordance with California Code of Regulations, title 20, section 1711. Tribal representatives, the general public, agency representatives, etc., had multiple opportunities to provide oral feedback throughout the workshop.

Imperial County Comment

On September 25, 2024, the County of Imperial through its counsel, filed a comment letter in each of the three geothermal projects pending before the CEC, Black Rock (TN 259284), Elmore North (TN 259284), and Morton Bay, (TN 259294). The letter raises

concerns about comments made by staff at the workshop and with mitigation measure CUL/TRI-8, which is proposed for the three geothermal projects. Staff is reviewing the County's comments and plans to discuss further with the County.

Description of Outcomes of the September 19 Workshop

At a public workshop held in Imperial, California on September 19, 2024, staff, the applicant, and the intervenors discussed and considered changes to proposed mitigation for various topics in the PSAs, including Alternatives, Project Description, Air Quality, Water Resources, Biological Resources, Land use/Agriculture/Forestry, Transmission System Design and Transmission Line Safety and Nuisance. The public forum provided for the discussion to be conducted in accordance with California Code of Regulations, title 20, section 1711. The public had multiple opportunities to provide oral feedback throughout the workshop.

Scheduled Workshop(s)

Staff is scheduling a follow up tribal workshop to conclude a targeted discussion of tribal issues; the workshop is anticipated to be held in mid to late October 2024. Staff is planning a remote-only workshop since the three prior workshops on July 31/August 1, September 6, and September 19 have included an on-site staff presence. CEC staff anticipates that any remaining miscellaneous technical discussion of the PSAs would be able to be covered during the same day as the focused tribal discussion. If not, there is the possibility of future workshops.

Schedule Impacts

CEC staff anticipates receiving significant amounts of data that the applicant and Imperial Irrigation District have agreed to provide through the course of the workshops, including from any reasonable follow up requests after staff reviews the information. For example, staff is waiting for outstanding reports and studies, including the Study of Impacts on the Salton Sea and a decision on a Federal Emergency Management Agency Letter of Map Revision for flood determination. Staff will be requesting additional data from the applicant to supplement the Alternatives analysis and Biological Resources, as discussed in the workshops, which is directly related to that discussion.

Staff will continue to follow the directives of the September 15, 2023, April 12, 2024, and July 26, 2024, Scheduling Orders and provide regular updates to the Committee.