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Jobs to Move America™s Comments on Proposed Schedule for Morton Bay Geothermal Project (Docket 23-AFC-01), Elmore North Geotherm

Additional submitted attachment is included below.

September 30, 2024

California Energy Commission

Docket Unit, MS-4

Docket Nos. 23-AFC-01, 23-AFC-02, 23-AFC-03

715 P Street

Sacramento, CA 94814-6408

Re: Jobs to Move America's Comments on Proposed Schedule for Morton Bay Geothermal Project (Docket 23-AFC-01), Elmore North Geothermal Project (Docket 23-AFC-02), and Black Rock Geothermal Project (Docket 23-AFC-03)

Dear California Energy Commission,

Jobs to Move America ("JMA") submits this comment on California Energy Commission Staff and Applicants' Joint Proposed Schedule, submitted on September 27, 2024. JMA previously submitted comments on the Preliminary Staff Assessments for the Morton Bay Geothermal Project (Docket 23-AFC-01), Elmore North Geothermal Project (Docket 23-AFC-02), and Black Rock Geothermal Project (Docket 23-AFC-03) (the "Projects"). JMA respectfully request that the PSAs be recirculated to address significant issues with the PSAs' evaluation of the Projects' water-resources impacts.

On July 23, 2024, the Imperial Irrigation District ("IID") submitted comments on the PSA for the Elmore North Geothermal Plant ("ENGP"). (TN#257957). Those comments contained concerning corrections to the ENGP PSA. The IID comments noted that the ENGP PSA stated that the project may "potentially encroach on the water use rights of IID" but the document provides no explanation as to how and it is not addressed anywhere else in the document. The comments corrected several of the PSA's statements about the availability of water for the Projects in ways that fundamentally change the PSA:

- The ENGP PSA stated: "In response to concerns raised by CEC staff regarding IID's ability to reliably provide 13,165 AFY for all three geothermal projects, IID has given assurance to CEC staff that IID has the necessary confidence and management history that they can reliably supply the water needed for these projects." (Executive Summary, p. 1-6). IID corrected this to the fundamentally different: "In response to concerns raised by CEC staff regarding IID's ability to reliably provide 13,165 AFY for all three geothermal projects, IID has given assurance to CEC staff hat IID has the necessary confidence and management history that they in coordination with the project proponent, can reliably conserve the water supply ~~the water~~ needed for these projects."
- The ENGP PSA stated: "IID's Interim Water Supply Policy (IWSP) for non-agricultural projects (IID 2009) sets aside 25,000 AFY for non-agricultural use by means of water efficiency conservation programs." (Water Resources, p. 5.16-13). IID corrected this statement to read: "Under IID's Interim Water Supply Policy (IWSP) for non-agricultural

projects (IID 2009), the District may set aside up to 25,000 AFY for non-agricultural use by means of water efficiency conservation projects and/or programs.”

- The ENGP PSA stated: “In a meeting on March 7, 2024, IID reassured CEC staff that the obligations to water agreements for the three BHER projects would be fulfilled (CEC 2024i).” (Water Resources, p. 5.16-13). IID corrected this statement to read: “In a meeting on March 7, 2024, IID reassured CEC staff that ~~the~~ obligations ~~to~~ under any future water supply agreements entered into by IID for the three BHER projects would be fulfilled (CEC 2024i).”

These corrections significantly change the water-resources assessments contained in the ENGP PSA.

The IID comments further noted that ENGP PSA stated that ““upgrades to the existing water supply system are expected to be minor”” but “[t]he Water Supply Assessment prepared for the Elmore North Geothermal Project is not referenced anywhere in this preliminary staff assessment.” In fact, the Water Supply Assessment was not submitted until September 25, 2024, long after comments on the PSAs were due, meaning that the public and Intervenors have not been given an opportunity to vet this key aspect of the PSAs. (See TN #259292). The IID’s comments on the ENGP PSA reject CEC staff’s conclusion that “[s]ince specific projects are speculative at this time, a cumulative impacts analysis regarding water supply cannot be provided.” The IID instead stated that “[a] cumulative impact analysis should be made using the recent existing and permitted projects” including “Hell’s Kitchen, EnergySource materials (Atlis) and Hudson Ranch Geothermal.” Yet the Water Supply Assessment does not include any cumulative analysis specifically addressing these projects.

Similarly, the IID noted that “[a]n independent assessment on Salton Sea impacts was submitted by the [Applicant] to IID on July 11, 2024” and stated that “[t]he assessment should be incorporated into the Preliminary Staff Assessment.” Unlike the Water Supply Assessment, the “independent assessment on Salton Sea impacts” does not appear to have been filed with the CEC, so the impact that this assessment has on the PSAs is unknown.

“Given the numerous changes the IID is proposing to the PSA,” IID requested that a revised PSA be recirculated with enough “time for proper review by IID of an updated PSA.” Similar problems exist with the Morton Bay Geothermal Project (“MBGP”) and Black Rock Geothermal Project (“BRGP”) PSAs. (See MBGP PSA, pp. 1-7, 5.15-14; BRGP PSA, at pp. 1-7, 5.16-13).

At the CEC’s August 1, 2024 workshop on the PSAs, CEC staff made it clear that they had not received critical information from IID that was necessary to draft informed PSAs. Adam White, the CEC staff member responsible for the Water Resources section of the PSAs, stated on the record: “I would further add that it’s imperative that the applicant understand that the commission staff needs to be included in these discussions with IID so we have a better

understanding of what's being discussed because to this point, we have not been party to any of these discussions regarding the water supply assessment, regarding this question about the Salton Sea impacts, so we've been left in the dark." (August 1, 2024 Workshop, at 1:17:15 - 1:18:33).

IID's significant corrections to the PSAs, the late-submitted Water Supply Assessment, the failure to incorporate or analyze the Salton Sea impact assessment, and CEC staff's recent admission that they were "in the dark" about the IID's positions all point to a rushed evaluation of the Projects' impact on water resources.

JMA respectfully requests that the PSAs be revised and recirculated to address these core issues, and that the public be given at least 30 days to comment on the recirculated PSAs. (*Joy Rd. Area Forest & Watershed Assn. v. California Dep't of Forestry & Fire Prot.* (2006) 142 Cal. App. 4th 656, 671 ("The notice and recirculation provisions of CEQA ensure that the public has notice and an opportunity to comment on the *actual* plan that [the agency] intends to approve."].) Approval of any proposed schedule for further activity on the Projects' applications should be delayed until after the PSAs are revised and recirculated.

Respectfully submitted,

Theo Figurasin, Assistant Director
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