

DOCKETED	
Docket Number:	23-AFC-02
Project Title:	Elmore North Geothermal Project (ENGP)
TN #:	259833
Document Title:	CURE Status Report 13 (10-31-24)
Description:	N/A
Filer:	Alisha Pember
Organization:	California Unions for Reliable Energy
Submitter Role:	Intervenor
Submission Date:	10/31/2024 4:06:49 PM
Docketed Date:	10/31/2024

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

IN THE MATTER OF: MORTON BAY GEOTHERMAL PROJECT APPLICATION FOR CERTIFICATION	Docket No. 23-AFC-01
IN THE MATTER OF: ELMORE NORTH GEOTHERMAL PROJECT APPLICATION FOR CERTIFICATION	Docket No. 23-AFC-02
IN THE MATTER OF: BLACK ROCK GEOTHERMAL PROJECT APPLICATION FOR CERTIFICATION	Docket No. 23-AFC-03

**CALIFORNIA UNIONS FOR RELIABLE ENERGY'S
STATUS REPORT NO. 13**

October 31, 2024

Andrew J. Graf
Tara C. Rengifo
Kelilah D. Federman
Adams Broadwell Joseph & Cardozo
601 Gateway Blvd., Suite 1000
South San Francisco, CA 94080
(650) 589-1660
agraf@adamsbroadwell.com
trengifo@adamsbroadwell.com
kfederman@adamsbroadwell.com
Attorneys for California Unions for Reliable
Energy

INTRODUCTION

California Unions for Reliable Energy (“CURE”) submits this status report in the Morton Bay Geothermal Project (“MBGP”), Elmore North Geothermal Project (“ENGP”), and Black Rock Geothermal Project (“BRGP”) proceedings pursuant to the Presiding Member’s Scheduling Order issued on September 12, 2023 (TN 252284, 252285, 252289).

DISCUSSION

I. Summary of the Progress of Discovery

The Committee’s deadline for the parties to conduct discovery was January 22, 2024.

II. Significant Communications with Tribal Governments and Federal, State, and Local Agencies

CURE has outstanding requests to state and federal agencies for public records related to the proposed projects. On October 9, 2024, CURE submitted Public Records Act (“PRA”) requests to the California Energy Commission (“CEC”) for CEC Staff’s request(s) to the project applicants for additional information. On October 10 and October 11, CEC Staff docketed the responsive records (TN 259517, 259522, 259516, 259521, 259518, 259523). CURE is awaiting a response from CEC to its PRA request dated October 18, 2024 for additional communications between the CEC and other entities, including the project applicants and responsible agencies, since the release of the Preliminary Staff Assessments.

CURE has also been in discussions with the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife regarding records related to the Desert Pupfish Habitat Connectivity Plan.

III. Factors That May Impact the Schedule

Despite assurances made by the Applicant during the 2nd Staff Assessment Technical and Mitigation Workshop on September 19, 2024 to promptly provide an assessment of MBGP, ENGP, and BRGP's impacts on agricultural return flows to drains and canals feeding the Salton Sea – flows critical to special-status species like the desert pupfish and Yuma Ridgway's Rail – no such report has yet been docketed.

Similarly, the Imperial Irrigation District ("IID") is conducting a revised System Impact Study ("SIS"), which includes an analysis of and mitigation plans for downstream impacts from 70-mile, 20-mile, and 15-mile distribution lines. (TN 259553, 259554, 259555). These lines must be completed before ENGP, MBGP, and BRGP can be operated at the proposed capacities. *Ibid.* However, neither the initial SIS, nor the revised SIS has been made available in these proceedings or provided in response to Public Records Act requests. IID's most recent response to CEC Staff's questions offers no indication of when the revised SIS will be docketed. *Ibid.*

Finally, the Imperial County Air Pollution Control District has yet to release or docket the Final Determination of Compliance ("FDOC") for any of the proposed projects, a critical omission that significantly impacts the transparency and

completeness of the review process. The FDOC is essential because it evaluates whether ENGP, MBGP, or BRGP meet federal, state, and local air quality standards. Without this determination, stakeholders, including the public and CEC Staff, cannot fully assess the Project's potential air quality impacts, mitigation measures, or compliance with their environmental regulations.

As CURE's Response to Joint Order Directing Parties to Meet and Confer and Submit a Proposed Schedule (TN 259357, 259358, 259359) highlights, these analyses remain unavailable to the public and were not included in any Preliminary Staff Assessment. Further delays in releasing this essential information increase the likelihood of disrupting the proceeding schedule. Given the amount of outstanding information, CURE respectfully requests that the Commission adopt CURE's proposed schedule, which provides CEC Staff and members of the public with adequate time to evaluate the new additional information, prepare testimony, and participate effectively in evidentiary hearings.

Dated: October 31, 2024

Respectfully submitted,

/s/

Andrew J. Graf
Tara C. Rengifo
Kelilah D. Federman
Adams Broadwell Joseph & Cardozo
601 Gateway Blvd., Suite 1000
South San Francisco, CA 94080
(650) 589-1660
agraf@adamsbroadwell.com
trengifo@adamsbroadwell.com
kfederman@adamsbroadwell.com

Attorneys for California Unions for Reliable
Energy