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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. 15**

December 30, 2024

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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 *Revised Joint Scheduling Order and Request for Information Regarding Cultural and Tribal Cultural Resources* (“Revised Joint Scheduling Order”) docketed on December 9, 2024. (TN 260569, 260570, 260571)

DISCUSSION

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

CURE is reviewing records obtained from state and federal agencies related to the proposed projects and continues to follow up on outstanding public records requests.

II. Description of the Outcome of Public Workshops or Other Meetings

CURE attended the public workshop on tribal mitigation held on December 9, 2024. Several topics were discussed during the workshop including issues CURE raised in its comments on the Preliminary Staff Assessments (“PSAs”). For example, California Energy Commission (“CEC”) Staff addressed a request by Morton Bay Geothermal LLC, an indirect, wholly owned subsidiary of BHE Renewables, LLC, Elmore North Geothermal LLC, an indirect, wholly owned subsidiary of BHE Renewables, LLC, and Black Rock Geothermal LLC, an indirect, wholly owned subsidiary of BHE Renewables, LLC, (collectively, “Applicants”) seeking clarification regarding CEC Staff’s informal data request that the

Applicants use meteorological data from the nearby Sonny Bono monitoring station as part of air quality and public health remodeling that is being performed due to the relocated cooling towers. (TN 260632, TN 260631, TN 260633) The Applicants have declined to perform the analysis requested by CEC Staff related to this request, but CEC Staff has indicated that it will conduct its own modeling using the Sonny Bono data after receiving the modeling parameters for the reoriented cooling tower analysis. (TN 260815, 260816, 260817) CURE supports CEC Staff's decision to perform this independent analysis, as it is necessary to ensure a relevant review of the projects' air quality, public health, and greenhouse gas ("GHG") impacts.

To ensure that Intervenors and the public have a *meaningful* opportunity to participate during future workshops, CURE requests that CEC Staff provide a detailed agenda in the workshop notices that more closely aligns with Staff's presentations. While workshop agendas generally mention opportunities for discussion across various impact areas, the actual presentations often focus on very specific issues. Providing a clear, detailed outline of the substantive topics that will be covered during the workshop, to the extent feasible, will help ensure that feedback from stakeholders is both targeted and informative.

III. Factors That May Impact the Schedule

CURE agrees with CEC Staff's assessment in its December status reports (TN 260815, TN 260816, TN 260817) that significant information remains outstanding in these proceedings. This new information renders the project descriptions unstable and affects several key impact areas including, but not

limited to, air quality, public health, GHG emissions, transmission and reliability, biological resources, and water resources, among others.

The following is a summary of the most pertinent new reports, studies, and analyses—most of which have not yet been docketed:

- 1) **Revised project site arrangements**, including reoriented cooling tower placement and alternate locations;
- 2) **New air quality and public health modeling files**;
- 3) **Updated biological resources impact analyses**, addressing, among other issues, impacts to listed species from fallowing agricultural fields, noise effects on federally protected Yuma’s Ridgway rail habitat, and impacts associated with the California Fish and Game Commission recent decision to designate the burrowing owl as a candidate species under the California Endangered Species Act;
- 4) **Salton Sea Impact Assessment**;
- 5) **Revised System Impact Study (“SIS”)**; and
- 6) **A Federal Emergency Management Agency Letter of Map Revision** regarding flood determination.

(TN 259517, TN 259516, TN 259518; TN 259522, TN 259521, TN 259523; TN 259921; TN 260000, TN 260001, TN 260002; TN 260393, TN 260394, TN 260395.)

This new information was not available for review during the discovery phase or the PSA comment periods. These gaps necessitate further review and analysis,

and possibly additional limited discovery, potentially delaying the release of the Final Staff Assessments (“FSAs”).

Pursuant to section 1745(d) in Title 20 of the California Code of Regulations, CURE bears the “burden of making a reasonable showing to support the need for and feasibility of [any] condition, modification, or provision” “relating to the manner in which the proposed facility should be designed, sited, and operated in order to protect environmental quality and ensure public health and safety.” The substantial new information about each project’s design, siting, and environmental impacts underscores the need for CURE and its technical experts to have adequate time to review and analyze the implications of these changes. The ability to conduct such a review is crucial to fulfilling CURE’s regulatory obligations and ensuring comprehensive evaluation of each project’s impacts.

The Revised Joint Scheduling Order requires the release of the first FSA by February 5, 2025. (TN 260569, 260570, 260571.) However, the extent to which the timeline is affected will largely depend on the Applicants’ timing for docketing the outstanding information. As of now, the timing remains uncertain.

To facilitate an orderly and transparent process, CURE respectfully requests that the Applicants provide (1) a clear and comprehensive list of all forthcoming reports, studies, and analyses; and (2) a reasonable timeline for when this new information will be docketed. Such disclosures are essential for ensuring that all parties, including CURE, have a meaningful opportunity to analyze the new data and provide informed feedback.

Dated: December 30, 2024

Respectfully submitted,

/s/

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