

**DOCKETED**

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CALIFORNIA ENERGY COMMISSION

In the matter of:

Presentation Valley                    )  
Commissioner Presentation             )  
\_\_\_\_\_                                   )

Docket No. 20-LITHIUM-01

LITHIUM VALLEY COMMISSION

REMOTE VIA ZOOM

THURSDAY, OCTOBER 28, 2021

1:30 P.M.

Reported by:

Martha Nelson

APPEARANCES

COMMISSIONERS

Silva Paz, Chair

Ryan Kelly, Vice Chair

Richie Lopez

Luis Olmedo

Miranda Flores

Martha Guzman-Aceves

Frank Ruiz

Jonathan Weisgall

Roderic Dolega

Rod Colwell

Steve Castaneda

CEC STAFF

Elisabeth de Jong

Seanna Griffis

Lindsay Buckley

Raj Singh

Renee Webster-Hawkins

Deborah Dyer

CEC PUBLIC ADVISOR

Noemi Gallardo

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Melinda Dorin, Department of Water Resources

### COMMUNITY IMPACTS PANELISTS

Kim Delfino, Earth Advocacy

Thea Riofrancos, Providence University

Jordan Sisson, Comite Civico del Valle

John Hernandez, Our Roots Multicultural Center

### COMMUNITY PLANNING PANELISTS

Mary Akens, Department of Water Resources

Tonya Marshall, Department of Fish and Wildlife

Kyle Dahl, US Army Corps of Engineers

Israel Hernandez, Imperial County Air Pollution Control District

### PUBLIC COMMENT

Maria Lalorda, Leadership Council

Jose Flores, Comite Civico del Valle

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P R O C E E D I N G S

1:30 P.M.

THURSDAY, OCTOBER 28, 2021

CHAIR PAZ: Welcome to the October 28th meeting of the Lithium Valley Commission.

As you noticed, we are offering interpretation services for today's meeting. So a representative from the CEC's Public Advisor's Office will now speak in Spanish to inform our Spanish-speaking audience about the need to select the Spanish channel if they prefer to listen to this meeting in Spanish. There is an interpreter in the Spanish channel interpreting everything said in English into Spanish. So we appreciate your patience as we create a more inclusive and accessible meeting.

So at this point, is it Rosemary who will be joining us, or Noemi?

MS. GALLARDO: Hell, Chair Paz. This is Noemi Gallardo.

CHAIR PAZ: Hi Noemi.

MS. GALLARDO: I'll get started.

CHAIR PAZ: Thank you.

MS. GALLARDO: Hi there. (Speaking

25 Spanish.)

1           This is Noemi Gallardo. I'm going to  
2 relate what I said in Spanish into English now.

3           Hello. My name is Noemi Gallardo. I'm  
4 the Public Advisor for the California Energy  
5 Commission. Thank you for your patience today.

6           I will provide instructions to those of  
7 you who want to listen to the meeting in Spanish.  
8 There is an interpreter available through the  
9 Zoom platform. Please note that the interpreter  
10 cannot be heard by those joining by phone. Zoom  
11 does not enable interpretation by phone. If you  
12 have questions, or any difficulty participating,  
13 send us a message in Spanish through the chat  
14 feature. It's the box at the bottom right of  
15 your screen.

16           To join the Spanish channel, please click  
17 the small globe icon on the bottom of your Zoom  
18 application, select the ES Spanish channel, and  
19 then click on mute original audio.

20           If you have additional questions or want  
21 to comment, use the raise-hand feature to let us  
22 know you would like to speak. It is the feature  
23 that looks like an open hand or high-five.

24           Thank you.

25           And back to you, Chair Paz.



1 CHAIR PAZ: Thank you.

2 So if you are joining us today via smart  
3 phone or tablet, you may need to find the  
4 ellipsis or more button to navigate to the  
5 interpretation options. Again, all attendees  
6 should select a channel, either English or  
7 Spanish.

8 If any members of the public in the  
9 Spanish channel have questions or public comment,  
10 they will be given the same opportunity to engage  
11 in public comment throughout the agenda at the  
12 same time that I open the meeting for public  
13 comment for everyone. The interpreter will  
14 provide instructions to those in the Spanish  
15 channel to be sure that all attendees can use the  
16 raise-hand feature and be called on to speak.  
17 The interpreter will assist and translate the  
18 questions or public comments into English for the  
19 benefit of the Commissioners and attendees in the  
20 main English channel.

21

22 Unfortunately, the Zoom interpretation  
23 function does not work for attendees who are only  
24 joining by phone, so our attendees on the phone  
25 will hear the English channel of this meeting.

1           Next slide.

2           The Spanish channel is intended to  
3 provide members of the public the ability to hear  
4 the entire dialogue of the Lithium Valley  
5 Commission meeting in Spanish and in real time.  
6 To ensure that all members of the public have  
7 access to the meeting under the Bagley-Keene, we  
8 ask that all of the Lithium Valley Commissioners  
9 select and remain on the English channel for the  
10 entirety of the meeting, preferably with the  
11 cameras on.

12           All attendees who wish to join the  
13 English channel, please look for the small globe  
14 icon on the bottom of your Zoom application and  
15 select the English channel. Do not select mute  
16 original audio.

17           Also, please note that the slides include  
18 some text in Spanish which is highlighted in  
19 light gray.

20           Next slide.

21           So at this point, I will hand it over to  
22 Elisabeth so she can walk us through some of the  
23 administrative items.

24           MS. DE JONG: Thank you so much, Chair  
25 Paz.

1           This meeting is being conducted entirely  
2 remotely via Zoom. This means that we're in  
3 separate locations and communicating only through  
4 electronic means. We are meeting in this  
5 fashion, consistent with Assembly Bill 361, to  
6 improve and enhance public access to state agency  
7 meetings during the COVID-19 pandemic and future  
8 emergencies by allowing broader access through  
9 teleconferencing options. The public can  
10 participate, consistent with the direction in  
11 this bill.

12           This meeting is being recorded, as well  
13 as transcribed, by a court reporter. The  
14 transcript will be posted to the electronic  
15 docket. The recording of the meeting will be  
16 available on the Lithium Valley Commission  
17 webpage. The Spanish interpretation will not be  
18 recorded or transcribed.

19           Members of the public will be muted  
20 during the presentations, but there will be an  
21 opportunity for public comment on each agenda  
22 item, and additional opportunity for public  
23 comments towards the end of the agenda.

24           To provide public comment, please use the  
25 raise-hand feature in your Zoom application to be

1 called on to speak. When you speak, please  
2 provide your name and affiliation. If you've  
3 called in by phone, you will need to dial star  
4 nine to raise your hand, and then star six to un-  
5 mute yourself. Before speaking on the phone,  
6 please say and spell your name for the court  
7 reporter.

8           There is also a Q&A window in the Zoom  
9 application which you may use to type in your  
10 questions. And if you want to provide public  
11 comment but are unable to raise your hand in the  
12 Zoom application, or by phone, then during the  
13 public comment portion of the meeting you may  
14 type your comment into the Q&A window so we can  
15 relay your comments.

16           We'll go over these instructions again  
17 during the time for public comment. Please  
18 remember to stay muted until you've been called  
19 on to speak.

20           We also have a chat function available  
21 for IT support. We ask that the Lithium Valley  
22 Commissioners and Panelists use the chat only for  
23 IT support, as well. Any other comments are  
24 considered substantive to the conversation and  
25 should be made publicly and orally for Bagley-

1 Keene Open Meeting Act compliance.

2 Meeting materials, including the notice,  
3 presentations, slide decks, and resource  
4 documents are posted online in the Lithium Valley  
5 Commission docket.

6 All right, we are going to move on to  
7 roll call of the Lithium Valley Commission  
8 members to determine a quorum. I will call your  
9 name. Please respond if you are present. And  
10 turn on your camera if you can.

11 Commissioner Castaneda?

12 COMMISSIONER CASTANEDA: Here.

13 MS. DE JONG: Thank you.

14 Commissioner Colwell?

15 COMMISSIONER COLWELL: Present.

16 MS. DE JONG: Thank you.

17 Commissioner Dolega?

18 COMMISSIONER DOLEGA: Present.

19 MS. DE JONG: Thank you.

20 Commissioner Flores?

21 COMMISSIONER FLORES: Present.

22 MS. DE JONG: Thank you.

23 Commissioner Guzman-Aceves?

24 COMMISSIONER GUZMAN-ACEVES: Here.

25 MS. DE JONG: Thank you.

1           Commissioner Hanks? I saw Commissioner  
2 Hanks on here earlier, so I will try to find out  
3 if he's having technical issues.

4           Vice Chair Kelley? I do not hear a  
5 response.

6           Commissioner Lopez? Commissioner Richie  
7 Lopez, you are on mute. Okay. I do not hear a  
8 response, although I will note that he is present  
9 on the list of Panelists.

10          Commissioner Olmedo?

11          COMMISSIONER OLMEDO: Here.

12          MS. DE JONG: Thank you.

13          Chair Paz?

14          CHAIR PAZ: Present.

15          MS. DE JONG: Thank you.

16          Commissioner Ruiz?

17          COMMISSIONER RUIZ: Present.

18          MS. DE JONG: Great. Thank you.

19          Commissioner Scott is not able to join us  
20 today.

21          Commissioner Soto is not able to join us  
22 today.

23          And Commissioner Weisgall will be here,  
24 but he will be here late.

COMMISSIONER WEISGALL: Just made it.

1 Here.

2 MS. DE JONG: Great. Oh, great. Thank  
3 you so much. All right. Well, thank you so  
4 much.

5 And if I could just do one more check?

6 Commissioner Lopez, I see you on the  
7 list, if you are able to un-mute? Okay.

8 Thank you so much. So we have at least  
9 eight members, meaning that we have a quorum.

10 And back to you, Chair Paz.

11 CHAIR PAZ: Thank you.

12 So the agenda is on your screen for  
13 today. We've already done the welcome and the  
14 roll call, so we'll be looking at administrative  
15 items, the approval of the Meeting Action Minutes  
16 for September. We have our informational items  
17 and updates from Media and Legislation, as well  
18 as the Lithium Valley Commissioner updates.

19 And then our workshop for today will be  
20 focused one environmental impacts and  
21 environmental planning. We have two panels for  
22 that. And we will continue to plan out the rest  
23 of the workshops. I believe we have like two  
24 topics that are left to be scheduled.





1 these items related to the item. And at the end,  
2 we will have a general public comment section  
3 before we adjourn.

4 So moving to the approval of the past  
5 meeting. So just a reminder that, first, we just  
6 take and discussion and questions. And we will  
7 get public comment before we come back and take a  
8 vote.

9 So at this point, if there are any  
10 questions or comments related to the approval of  
11 the past meeting action minutes? I don't see any  
12 hands.

13 So we can open this item for public  
14 comment, Elisabeth.

15 MS. DE JONG: Thank you so much.

16 So if you are joining us by Zoom on your  
17 computer, please use the raise-hand feature. If  
18 you've called in, please dial star nine to raise  
19 your hand, and then star six to un-mute your  
20 phone line. We will go first to those who have  
21 raised their hand in the Zoom application. And  
22 as a reminder, this is for public comments  
23 regarding the vote and approval of the past  
24 Meeting Action Minutes. Doing a quick check.

25 Chair Paz, I do not see any public

1 comments coming in at this time. I'll go back to  
2 you.

3 CHAIR PAZ: Thank you.

4 Okay, so at this point I will entertain a  
5 motion to approve the Action Minutes for the  
6 September 30th meeting.

7 COMMISSIONER WEISGALL: So moved.  
8 Jonathan.

9 CHAIR PAZ: Thank you, Jonathan.

10 Is there a second?

11 COMMISSIONER DOLEGA: Second.

12 CHAIR PAZ: Thank you, Rod.

13 And when I do the roll call, if you can  
14 just give me a yes or a no?

15 Steve Castaneda?

16 COMMISSIONER CASTANEDA: Yes.

17 CHAIR PAZ: Thank you.

18 Rod?

19 COMMISSIONER COLWELL: Yes.

20 CHAIR PAZ: Roderic Dolega?

21 COMMISSIONER DOLEGA: Yes.

22 CHAIR PAZ: Miranda Flores?

23 COMMISSIONER FLORES: Yes.

24 CHAIR PAZ: Martha Guzman-Aceves?

25 COMMISSIONER GUZMAN-ACEVES: Yes.

1 CHAIR PAZ: James Hanks?  
2 COMMISSIONER HANKS: Yes.  
3 CHAIR PAZ: Thank you.  
4 Ryan Kelley?  
5 Arthur Richie Lopez?  
6 COMMISSIONER LOPEZ: Yes.  
7 CHAIR PAZ: Thank you.  
8 Luis Olmedo?  
9 COMMISSIONER OLMEDO: Yes.  
10 CHAIR PAZ: Thank you. My vote is yes.  
11 Frank Ruiz?  
12 COMMISSIONER RUIZ: YES.  
13 CHAIR PAZ: Thank you.  
14 And I believe, Manfred Scott, was he  
15 absent today?  
16 MS. DE JONG: Correct. He is absent.  
17 CHAIR PAZ: Okay. And Thomas Soto is  
18 also absent.  
19 Jonathan?  
20 COMMISSIONER WEISGALL: Yes.  
21 CHAIR PAZ: Thank you.  
22 Next slide.  
23 So we are going to have our Media and  
24 Legislation updates. And I believe for -- which  
25 ones? Do we take them in any particular order?

1 Richard Rojas? No. I believe it's going to be  
2 Seanna, right, who's going to --

3 MS. GRIFFIS: Yes. Hi.

4 CHAIR PAZ: -- give us an update?

5 MS. GRIFFIS: Hi.

6 CHAIR PAZ: Thank you.

7 MS. GRIFFIS: Yeah. I'm now going to be  
8 doing the legislative updates on behalf of  
9 Richard. And for this meeting, we have nothing  
10 to report. The legislation -- the legislature is  
11 out of session right now, so it's been pretty  
12 quiet on the legislative front.

13 CHAIR PAZ: Thank you.

14 MS. GRIFFIS: Um-hmm.

15 CHAIR PAZ: And Lindsay for Media  
16 updates?

17 MS. BUCKLEY: Hi everybody. Greetings,  
18 Members of the Commission. I'm dropping some of  
19 the recent media coverage into the chat. This  
20 includes four articles and one op-ed that I  
21 understand was circulated to members of the  
22 Commission. So the coverage from the last month  
23 includes some local coverage. KESQ News Channel  
24 3 continued their series called Troubled Waters,  
25 this time with an episode focused around Salton

1 Sea and the lithium recovery potential, really  
2 great about five-minute piece. I'd recommend  
3 folks check it out, a good explainer of all the  
4 issues happening and featuring several of the  
5 Lithium Valley Commission members.

6           Then, of course, San Diego Union Tribune  
7 ran an opinion piece by Chair Hochschild, Chair  
8 Paz, and Senator Ben Hueso a few weeks ago. That  
9 piece was mentioned in Politico's daily  
10 newsletter, the California Playbook.

11           There was a, I would call it, kind of a  
12 blog piece around some tribal opposition to --  
13 mostly to what's happening in Arizona, although  
14 there was a mention of Salton Sea.

15           And then Marketplace, which is an NPR-  
16 affiliated news-radio program, featured the  
17 Salton Sea and Lithium Valley vision as part of a  
18 new podcast series that they've created called  
19 How We Survive. So, again, a really nice  
20 explainer, long-form piece covering many of the  
21 issues and featuring many members of the  
22 Commission.

23           I'd like to just take a moment to share.  
24 Oh, screen sharing has stopped. Can you enable  
25 that, please? Oh, it's back, just like that.

1 Magic.

2           We've created a flyer for next month's  
3 Lithium Valley Commission Community Forum,  
4 working in consultation with Chair Paz. This has  
5 been docketed and we would like to finalize it  
6 this week in order to get translations and  
7 actually get it out on the street so folks know  
8 about the community forum happening in just a few  
9 weeks.

10           So if Members of the Commission wouldn't  
11 mind taking a look at this today or tomorrow and  
12 getting back to us if you have any concerns or if  
13 you have any requested edits that you'd like to  
14 make? Again, it's in the docket, so we do  
15 appreciate your review.

16           Once this is finalized the English  
17 version, we will move forward with translating  
18 into Spanish. And I've been trying to figure out  
19 the correct pronunciation of this Purepecha -- I  
20 apologize, I just totally annihilated that -- in  
21 the three languages that we will be presenting  
22 the forum in, it will be translated.

23           We've also developed a social media  
24 toolkit in the three languages that will include

25 post longer form for LinkedIn, Facebook,



1 WhatsApp, as well as a shorter form post for  
2 Twitter, and a graphic that features the header  
3 of this flyer.

4           So, again, appreciate any feedback that  
5 you have on this by end of day tomorrow. And  
6 then we will get the other versions generated and  
7 out to you all next week.

8           Any questions?

9           CHAIR PAZ: I do not see -- I don't see  
10 any questions.

11           MS. BUCKLEY: Okay. Thank you. Thank  
12 you.

13           So there, I think -- is the interpreter  
14 now, I think, on our channel?

15           MS. GALLARDO: This is Noemi. Let me  
16 check with them. Yes, I think that's correct.  
17 They're in the wrong channel.

18           CHAIR PAZ: We'll just wait a minute or  
19 so to get that sorted out. Okay. I think that  
20 maybe it was sorted out because I don't hear  
21 them.

22           So for Lithium Valley Commissioner  
23 Updates, I will start with a few items.

24           The first is that I am aware of the need  
25 and the request to better inform the discussion

1 around terminology that we're going to be using  
2 around extraction versus recovery or other terms  
3 that are associated with the development of  
4 lithium. So this conversation, we are planning  
5 to have it at a future meeting with more  
6 preparation for that discussion.

7           And, I mean, I believe it might -- the  
8 term might even -- or several terms might come up  
9 today in the Environmental Panel, so that will  
10 also help inform a future meeting for how we can  
11 come to an agreement or a consensus on the  
12 various terms associated with the development of  
13 lithium. So I wanted to bring that to your  
14 attention and let you know that we're working on  
15 that.

16           I also want to give you a bit of a  
17 background behind the Community Forum.

18           (Zoom Spanish channel begins transmitting.)

19           MS. GALLARDO: This is Noemi. I heard  
20 the interpreter. Let me see if they can switch  
21 out to the correct channel.

22           CHAIR PAZ: Okay.

23           MS. GALLARDO: All right. Go ahead,  
24 Chair Paz.

25           CHAIR PAZ: Thank you.

1           As I was saying, we have a Community  
2 Forum scheduled for November 17th. So a  
3 reminder, the month of November, we do not hold  
4 our regular Lithium Valley Commission meeting.  
5 Instead, what we're having is a Community Forum.  
6 And in December, we will go back to having a  
7 special meeting to cover topics both from -- you  
8 know, for two months. We'll have a longer  
9 meeting in December.

10           The Forum has been planned alongside some  
11 CBO groups that surround the communities of the  
12 Salton Sea. Later in the agenda, you will see  
13 that we are going to be having a conversation  
14 about the actual agenda for that day. And I just  
15 wanted to let you know that the agenda that's  
16 there today reflects conversations that we've had  
17 with the CBOs, with Assemblymember Garcia's  
18 office, as he will also be joining us during that  
19 forum. And it's really been shaped around some  
20 of the conversations that the community feels  
21 needs to happen so that we can provide better  
22 information and clarification around the items  
23 surrounding lithium and our role as a Commission.

24           So, again, just a little bit of  
25 background for you to consider as we look at the

1 actual agenda for the Forum later during this  
2 meeting.

3           And now I will go down the list and call  
4 on the Commissioners to see if they have any  
5 updates.

6           Vice Chair Ryan Kelley?   Okay.   I don't  
7 hear anything.

8           Commissioner Castaneda?

9           COMMISSIONER CASTANEDA:   Nothing from me.  
10 Thank you.

11          CHAIR PAZ:   Thank you.

12          Commissioner Colwell?

13          COMMISSIONER COLWELL:   Yeah.   Thank you,  
14 Chair Paz.   Just a brief update.

15                I think one of the fundamental changes  
16 indirectly is travel has opened up.   So, I mean,  
17 we have at least six to eight various  
18 international groups.   And that's been one of the  
19 real burdens on this whole trying to kickstart  
20 third-party battery cathode, you know, auto  
21 manufacturers from other states, even locally, to  
22 travel to physically come to sites, so that's a  
23 big deal.

24                I think we're well represented by  
25 California in the Top 26 coming up, which is

1 very, very exciting. That's a look at the lineup  
2 there of various assemblymembers, the Governor,  
3 and others on that, which is cool. The next  
4 meeting, we'll actually share our design,  
5 detailed renders, video flyovers, and all those  
6 sorts of things, plus the other side activities  
7 that we have underway.

8 Thank you, Chair Paz.

9 CHAIR PAZ: Thank you.

10 Commissioner Dolega?

11 COMMISSIONER DOLEGA: No updates. Thank  
12 you.

13 CHAIR PAZ: Okay. Commissioner Flores?

14 COMMISSIONER FLORES: Hi. Yes. Thank  
15 you. I think it was the same letter that had  
16 come across my desk, Chair Paz, about Leadership  
17 Council and the questions at the bottom. I know  
18 that I've taken a look at the letter. And even in  
19 today's panel, I've tried really directing my  
20 Panelists to look at some of those questions and  
21 see if anything can be answered. And I would,  
22 you know, suggest that all Commissioners really  
23 take a look at that letter as we continue with  
24 these panel hearings and these panel meetings,  
25 really trying to gear all of that.

1           And then, also, what came across my desk  
2 earlier today was a paper that was called  
3 Technology for the Recovery of Lithium from  
4 Geothermal Brines. And there's actually a  
5 section pertaining particularly to Salton Sea  
6 from -- coauthored by William Stringfellow and  
7 Patrick Dobson from the Berkeley National Lab.  
8 I'm not sure if they've submitted that. I've  
9 asked them to for the Lithium Valley Commission  
10 to be able to read at a later date.

11           So thank you so much.

12           CHAIR PAZ: Thank you.

13           Commissioner Guzman-Aceves?

14           COMMISSIONER GUZMAN-ACEVES: Yeah. Thank  
15 you, Chair Paz. And I know we're going to talk  
16 about the Community Forum, but I also am hoping  
17 that perhaps through your leadership, and perhaps  
18 some of the staff, could help us have a  
19 coordinated response to that letter. I know I've  
20 asked our staff to look through the letter. I'm  
21 assuming that's the only letter, by the way. I  
22 went back to the docket and saw a couple of  
23 individuals with comments, but this letter seemed  
24 to summarize quite a few of the community  
25 concerns.

1           And, anyhow, I asked my staff to look  
2 through the letter to see if the Public Utilities  
3 Commission could help answer any of the  
4 individual questions. And so if there's some way  
5 that we can all have that sort of coordination?  
6 And I believe there's probably even some  
7 questions that outside any of our collective  
8 knowledge, particularly on some of the topics  
9 like the ones we'll be discussing today.

10           But I to think that would be helpful for  
11 me, going into that community meeting, is to at  
12 least have the assignment of folks who can be  
13 lead on being responsible to have an answer, even  
14 if it's here's part of the answer, so that's good  
15 to hear. And I look forward to discussing more  
16 at that -- with that agenda item.

17           I am putting in the chat one announcement  
18 I wanted to share which is related, actually, to  
19 something that seems unrelated, which is the  
20 Aliso Canyon proceeding that the PUC has  
21 currently as part of our responsibilities. And  
22 next Wednesday, November 3rd, we will be having a  
23 workshop for alternatives to phase out the use of  
24 Aliso Canyon. This is a natural gas storage  
25 facility. And one of the alternatives that is

1 being proposed is a clean energy generation  
2 alternative which does include geothermal.

3           So it's a little bit down the road and  
4 indirect but it is something that I wanted to  
5 share because it could potentially lead to a  
6 greater need for procuring geothermal.

7           Thank you.

8           CHAIR PAZ: Thank you.

9           Commissioner Hanks?

10          COMMISSIONER HANKS: Yes. Can you hear  
11 me now?

12          CHAIR PAZ: Yes.

13          COMMISSIONER HANKS: Okay. Good. I keep  
14 having technical problems. Just a couple notes.

15                 We continue in the area to have new  
16 interests in leasing geothermal ground. And  
17 there's also ongoing discussion about the need  
18 for transmission for geothermal energy out of the  
19 region.

20          Thank you.

21          CHAIR PAZ: Thank you.

22                 Commissioner Lopez? Maybe I'll come back  
23 to Commissioner Lopez. I do see that he's still  
24 on Zoom, but I'll come back to you.

25          Commissioner Olmedo?



1                   COMMISSIONER OLMEDO:  Yeah.  Thank you,  
2  Madam Chair.  Just very brief comments.

3                   One is yesterday was an independent  
4  review panel which appears to put together by  
5  Senator Cruz.  And they're looking at a variety  
6  of water import projects.  One thing that came up  
7  that I thought would be important to the  
8  Commission is the land use, the land ownership,  
9  and how much of -- what important role that is to  
10 the overall success of the Salton Sea, the  
11 different strategies being proposed, and even the  
12 discussions we're having here.

13                  Another topic that keeps coming up, which  
14 really has gotten, you know, my attention is how  
15 much of the current known resource area is in  
16 public lands and, to some extent, I guess, the  
17 public domain.  I just wanted to put that out  
18 there because it is becoming a growing  
19 conversation which is -- I'm very pleased to hear  
20 that because I'm hoping that means that more  
21 communities will realize that they -- this is --  
22 they are critical stakeholders and they do need  
23 to engage in platforms by this Lithium  
24 Commission, but as well as the other landowners  
25 who are already well underway, you know, looking

1 at projects, and not necessarily waiting for the  
2 final results of this Commission.

3 So thank you.

4 CHAIR PAZ: Thank you, Commission Olmedo.

5 Commissioner Ruiz?

6 (Zoom Spanish channel begins transmitting.)

7 COMMISSIONER RUIZ: Yes. The only  
8 question that I have for the Commission is --

9 (Zoom Spanish channel begins transmitting.)

10 MS. GALLARDO: Sorry, Commissioner Ruiz,  
11 this is Noemi Gallardo, the Public Advisor. I'm  
12 going to interrupt again.

13 Interpreter, you're coming through on the  
14 main stage. If we could have the other  
15 interpreter continue, that would be better.

16 Okay.

17 Go ahead, Commissioner. Apologies for  
18 that.

19 COMMISSIONER RUIZ: Sure. In reference  
20 to the blog, you know, that came out by the local  
21 tribal members joining in participation against  
22 the lithium mining in Arizona and the Salton Sea,  
23 I've gotten emails and calls from people  
24 inquiring whether there has been any formal  
25 conversation with the local tribes, you know,

1 here in the area or if the Commission is planning  
2 to have any future conversations with them. And  
3 I do not recall but it would be great, if we  
4 haven't had one, it would be great to formally  
5 have some conversations with them.

6 I think, you know, this blog raised a lot  
7 of questions in many sectors about the, one, the  
8 relationship with the tribes as they can -- their  
9 concern. And although the -- I read the article  
10 and it doesn't name any of the local tribes, I  
11 think I just want to bring it to your attention.

12 CHAIR PAZ: Thank you, Commissioner Ruiz.  
13 I will make a note of exploring that topic and  
14 see what conversations we can have, and maybe how  
15 we can lean on Commissioners Scott or Lopez to  
16 guide us or partner, maybe with me, in having  
17 those conversations. Thank you.

18 COMMISSIONER RUIZ: Thank you.

19 CHAIR PAZ: Commissioner Weisgall?

20 COMMISSIONER WEISGALL: Just quickly, one  
21 update and one comment.

22 Just to report, construction activities  
23 are advancing on our Lithium Recovery  
24 Demonstration Facility, the one funded by the  
25 California Energy Commission Grant. Concrete has

1 been set, abut (phonetic) pipe supports, the  
2 facility building foundation, and structural  
3 steel to hold the vessels. And other equipment  
4 has been arriving onsite. And I'm delighted to  
5 say that we're using a local company, a Brawley,  
6 California company, to help set that concrete  
7 building foundation.

8           So moving forward, my one comment, you  
9 know, we've talked about this, I've had -- I had  
10 some awfully good meetings in the last couple of  
11 weeks with different educational institutions in  
12 Imperial County, and there's just no question  
13 that workforce development has got a key -- has  
14 to be a key part of what we work on, no question.  
15 As we think about social issues in Imperial  
16 County, what better way to achieve upward  
17 mobility than getting a good education, getting  
18 good paying jobs, STEM education, working on  
19 that.

20           And I just say, the level of cooperation,  
21 both from the county, as well as from Imperial  
22 Valley College, SDSU, others, has been terrific,  
23 but we really have to plan on that now. It's a  
24 two- to three-year process to get those courses  
25 ready. And just really want to say, that's

1 coming along nicely.

2 But let's think about that for a future  
3 meeting, just to, at a minimum, let folks know  
4 what we're doing, but possibly get some other  
5 input from others in the field. But so far, the  
6 reception and the willingness of the educational  
7 institutions to work to prepare a workforce has  
8 just been terrific.

9 CHAIR PAZ: Thank you, Commissioner  
10 Weisgall. So your comments remind me of some  
11 reflections I wanted to share with you from the  
12 last meeting. Because, Commission Weisgall, you  
13 asked a very important question during one of the  
14 panels about what is it that investors or  
15 businesses are looking into in terms of, you  
16 know, the land readiness, or workforce  
17 development, quality of life, in order to make  
18 their investments.

19 And the response that was received really  
20 highlighted, for me, the importance of us being  
21 intentional and keeping in mind that just because  
22 lithium is being produced at the Salton Sea  
23 doesn't necessarily mean that, you know, the  
24 surrounding supply chain, businesses, are going  
25 to collocate there, that there needs to be a lot

1 of intentionality.

2           And I hope that when we are ready to  
3 discuss the policy recommendations to the  
4 legislature, that we're putting that at the  
5 forefront, that there needs to be ways in which  
6 we're preparing and attracting and creating or  
7 developing from the ground all kinds of  
8 strategies that we might -- that we're going to  
9 need in order to really be able to keep as much  
10 of the benefit local.

11           So just, again, wanting to reflect on  
12 that from the last meeting.

13           The other piece -- and thank you for  
14 several of the Commissioners who have brought up  
15 the letter from Leadership Council. So it is on  
16 our radar. And, yes, before the meeting,  
17 hopefully, we -- I'll be thinking about how best,  
18 you know, we can coordinate a response. Because  
19 Commissioner Guzman-Aceves is right, maybe some  
20 of us hold answers to some of those questions but  
21 we might not have answers to all of them.

22           What I do want to say is that Leadership  
23 Council has been part of the planning meetings,  
24 along with other CBOs. And some of these  
25 questions that they are hearing in the community

1 collectively are the types of things that are  
2 helping us shape the agenda. So we'll try to  
3 answer some of those questions through the  
4 meeting, and maybe even pulling on some of those  
5 questions, as Commissioner Flores said, for  
6 today's panel discussions.

7           So, again, thank you for bringing that  
8 up. And thank you to Mariella for submitting  
9 those questions to us.

10           Okay, I think that -- oh, I was going to  
11 come back to somebody. Was it -- Commissioner  
12 Lopez, are you able to un-mute yourself? Okay.  
13 There might be some technical difficulties.

14           So this wraps up our updates from Lithium  
15 Valley Commission Members.

16           Next slide please. Oh, I think we're  
17 already there.

18           So the focus of today's workshop is  
19 environmental impacts and community impacts. So  
20 we'll have two panels. The first panel is on  
21 community impacts. And it is moderated by Sylvia  
22 Chavez, who is a Councilmember from Calipatria.

23           So, Sylvia, if you can un-mute yourself  
24 and turn on your camera, and then introduce the  
25 panel?

1 MS. CHAVEZ: Good afternoon, everyone.  
2 My name is Sylvia Chavez. I am a native of  
3 Calipatria and currently serve as a Councilmember  
4 for the City of Calipatria, which is one of the  
5 communities, as we know, which is very close  
6 proximity to this project. As a parent and  
7 homeowner and businessowner, I share many of the  
8 same concerns, but also see the opportunities for  
9 our underserved community.

10 Today, I will serve as your moderator for  
11 this portion of -- or this portion of -- this  
12 segment in discussion. We will welcome our four  
13 Panelists. Each Panelist will have five minutes  
14 to introduce themselves. Once done with the  
15 introduction, we will move into facilitated  
16 discussion for 20 minutes, allowing 5 minutes for  
17 each Panelist. In conclusion, we will allow 15  
18 minutes of questions and answers for the public  
19 to the Commissioners or any questions that they  
20 might have specifically for one of the Panelists,  
21 so thank you.

22 We can move forward. And each Panelist  
23 will introduce themselves.

24 Okay, Silvia, I don't know who we have  
25 first. I can't see the screens.



1 CHAIR PAZ: We have Kim Delfino from  
2 Earth Advocacy.

3 MS. CHAVEZ: Thank you.

4 CHAIR PAZ: Kim, if you can --

5 MS. DELFINO: Yeah.

6 CHAIR PAZ: --un-mute yourself?

7 MS. DELFINO: I just un-muted myself.

8 CHAIR PAZ: Okay. Thank you.

9 MS. DELFINO: Can you hear me? Sorry.

10 CHAIR PAZ: Yes.

11 MS. DELFINO: Okay. So am I introducing  
12 myself or do I -- am I spending my -- doing my  
13 three minutes? Just want to clarify. Sorry.

14 MS. CHAVEZ: Introducing yourself, Kim.  
15 You have --

16 MS. DELFINO: Okay.

17 MS. CHAVEZ: -- five minutes total.

18 MS. DELFINO: Okay. So my name is Kim  
19 Delfino and I'm, actually, I'm a consultant with  
20 Earth Advocacy. But prior to that, in 2020 for  
21 20 years, I was the California Director for  
22 Defenders of Wildlife. My background is natural  
23 resource protection. And I have spent many years  
24 working on the Salton Sea issues, particularly  
25 around the water transfer that moved forward and

1 has resulted and accelerated the decline of the  
2 sea, and spending time working with many  
3 different partners on how to address those  
4 impacts at the Salton Sea.

5           You know, my experience has been that  
6 this area has been an area that has endured a  
7 significant amount of environmental impacts from  
8 all the surrounding uses, agricultural and  
9 industrial. So I think it's not -- everyone  
10 knows that there's enormous air quality  
11 challenges, water quality with respect to the  
12 Salton Sea but, also, with the New and the Alamo  
13 River. The area doesn't have a lot of parks or  
14 open space available.

15           And then you have the problem of -- the  
16 conditions of a degrading Salton Sea. It used to  
17 have a thriving fishery. It no longer does.  
18 However, it still serves as an important stopover  
19 for migratory birds because there are so few wet  
20 areas in the state of California for migratory  
21 birds to move.

22           So you know, I was thinking about the  
23 charge that the Commission has with respect to  
24 developing lithium extraction responsibly, or  
25 recovery responsibly, and this is challenging

1 because -- but it's also exciting because there  
2 is an opportunity here to develop an industrial  
3 use in a way that could benefit the community and  
4 natural resources around it, versus continuing to  
5 take yet another hit from the impacts of an  
6 industrial use.

7           So from my perspective, it would be  
8 really important to get a strong understand about  
9 what are the impacts around the type of lithium  
10 extraction that -- or recovery that would be  
11 happening it's not entirely clear to me what is  
12 the exact process. I mean, there is obviously --  
13 it collocates with geothermal, so there's issues  
14 around where the location of the extraction or  
15 recovery is occurring, making sure that what is  
16 happening is consistent with the restoration  
17 efforts at the Salton Sea, both to benefit the  
18 community to minimize air quality impacts and to  
19 provide habitat for the migratory birds and the  
20 fish that are remaining in that area.

21           There's also the issues around  
22 transportation of the materials, you know, trucks  
23 going back and forth, the construction impacts.

24           And then, obviously, processing. So  
25 if there's collocation, which is important, I

1 think, you know, thinking about it from workforce  
2 development, but again, it's an industrial use,  
3 and so there are environmental impacts associated  
4 with any type of processing of materials because  
5 of, potentially, the use of toxic chemicals.

6           So you know, I guess that's my quick  
7 recap of sort of the things I think that we need  
8 to be thinking about, the regulators need to be  
9 thinking about. And as we get farther into this  
10 panel, we talked about community benefits. I  
11 think we need to be thinking creatively around  
12 how you can take mitigation and make it a  
13 community benefit, and perhaps going beyond just  
14 mitigating for the impacts but actually doing  
15 proactive community benefit efforts.

16           So that's my five minutes.

17           MS. CHAVEZ: Thank you, Kim.

18           Silvia, do you have an order?

19           CHAIR PAZ: Yes.

20           MS. CHAVEZ: Okay.

21           CHAIR PAZ: Next, we have Thea  
22 Riofrancos.

23           If you can un-mute yourself and turn on  
24 your camera?

25           DR. RIOFRANCOS: Yes. I'm here.

1 CHAIR PAZ: THANK YOU.

2 DR. RIOFRANCOS: Hi everybody. Yeah, no  
3 problem. I'm Thea Riofrancos. I'm an Associate  
4 Professor of Political Science on the other side  
5 of the country in Providence College. And I'm  
6 going to give you a little bit of an overview of  
7 some of the takeaways of my research, and then we  
8 can get more into specifics during the panel.  
9 And, actually, a few things I'm going to say will  
10 echo what Kim just said. So, hopefully, it will  
11 be helpful to have a little bit of resonance  
12 there.

13 I've been researching the global lithium  
14 sector for over two years now. A lot of my  
15 research has focused on Latin America, which is  
16 one of the top global producers of lithium, but  
17 I've recently been incorporating U.S.-based field  
18 size into my work. So I was just in Nevada  
19 looking at some of the projects under development  
20 there. I might be coming to California, now that  
21 I'm learning more about Salton Sea. And I also  
22 have research based in Europe, in Portugal in the  
23 E.U.

24 And just to kind of give you as sense of  
25 the scope, I conduct lots of interviews. I have

1 like over 90 done now. And I speak to people,  
2 everyone from community organizers to corporate  
3 executives to regulators.

4           In all of this research, I think that the  
5 clearest thing that comes across is that there is  
6 a core tension in the lithium sector. That  
7 tension is between lithium use and  
8 decarbonization and, therefore, fighting climate  
9 change that we know is getting more dramatic by  
10 the day. California is really effected. And  
11 vulnerable communities in California, of course,  
12 are really effected by the climate crisis. So we  
13 have that on the one hand.

14           On the hand we know, and I will tell you,  
15 you know, more in more detail, that the lithium  
16 sector, like any extractive or mining sector, is  
17 itself a cause of localized social and  
18 environmental harm, including in ways that can  
19 interact directly with the climate crisis itself.  
20 You get compounded forms of harm. And so that is  
21 the tension that we have to hold and think about  
22 and think about how to navigate.

23           And I want to just add a couple more  
24 things.

25           So in addition to that environmental

1 climate change tension, we also are seeing that  
2 lithium and the technologies that it is used to  
3 produce, lithium batteries and electric vehicles  
4 are becoming very geopolitically salient; right?  
5 And this should like be something we flag and pay  
6 attention to as states, like the United States,  
7 the European Union, and China see themselves in a  
8 battle as to who can develop these technologies  
9 and their extracted inputs the fastest, we might  
10 sacrifice other important goals in that speed and  
11 urgency.

12           So we hear a lot in the lithium sector,  
13 and I've heard even some of these words in some  
14 of the news articles that have been shared,  
15 right, we hear a lot about a race, a scramble, a  
16 rush, we have to exploit this lithium now; right?  
17 This is, by the way, a very old discourse that  
18 often attends extractive sectors, especially oil;  
19 right? And so this is not a new language, it's  
20 an old one, and it's concerning because when we  
21 prioritize extraction over rights and communities  
22 benefits, what happens is, usually, we don't  
23 enforce the rights or get the community benefits,  
24 but we do get is quick-quicker extraction; right?

25           So what I would emphasize to folks in the

1 room is that, first of all, I think the urgency  
2 should be equally placed on rights enforcement,  
3 biodiversity protection, livelihood protection,  
4 and community benefits as it is on extraction, at  
5 least. You know, we should, at least, kind of  
6 like accelerate that a little bit.

7           And I also want to say to some of the  
8 folks in the room that might be in the corporate  
9 sector or coming with that background, faster is  
10 not always faster; right? When things are done  
11 quickly they are done poorly and communities  
12 protest.

13           And I am an expert, of sorts, on protests  
14 against mining. This is now going to be my third  
15 book on the topic of extraction. So you see a  
16 lot of very inspiring, depending on your  
17 viewpoint, or militant, you know, forms of  
18 protests around the world, whether we're looking  
19 at, you know, Dakota Access, Keystone Pipeline,  
20 or whether we're looking at lithium in Nevada;  
21 right? So communities will rise up and protest  
22 when their rights are not enforced. And so it is  
23 not in anyone's interest, I'll put it that way,  
24 to prioritize speed over everything else.

25           And I'll just close out by saying that



1 what's important, I think, you know, from my  
2 perspective, and perhaps from some of the  
3 perspectives of the folks in this room, is to  
4 prioritize communities being well organized,  
5 being empowered, being informed, their rights  
6 being enforced, regulatory standards being high  
7 at the beginning -- it's always easier to do  
8 things right at the beginning than to correct  
9 them later on?

10           And to have the overriding goal of our  
11 whole green technology policy to be reducing  
12 mining, not increasing it, and thinking about  
13 everything from industrial design to how we  
14 design our transportation sector as opportunities  
15 to lead this to kind of minimizing dangerous  
16 extraction rather than dramatically expand it;  
17 right? And I think we actually have that  
18 opportunity at this critical juncture of the  
19 clean energy transition.

20           So I'm going to leave it there. And I  
21 can get into a little more detail on some of  
22 those points in the panel discussion.

23           CHAIR PAZ: Thank you.

24           Next slide.

25           Jordan Sisson from Comite Civico del

1 Valle, if you can un-mute yourself and turn on  
2 your camera?

3 MR. SISSON: Hi all. Can you see me and  
4 hear me okay?

5 CHAIR PAZ: Yes.

6 MR. SISSON: Great. So my name is Jordan  
7 Sisson. I'm an environmental lawyer with a  
8 primary focus on CEQA, NEPA, and other sort of  
9 regulatory actions. One of my clients is Comite  
10 Civico. I've done some really important work  
11 with those folks in the EJ field.

12 More back in my background, you know, I  
13 have a statewide practice involving a variety of  
14 projects, whether normal land use developments,  
15 hotels, schools and, also, larger projects, such  
16 as airports and other sort of utility-intensive  
17 projects. You know, my clients are primarily  
18 from the EJ group, individuals, labor, that, you  
19 know, have concerns about certain projects and  
20 their environmental impacts. And that being  
21 said, I also represent trade association of a  
22 utility provider, as well as other real parties.  
23 So I come from -- to you guys from the  
24 perspective of understanding both a petitioner  
25 and the real party of the industry perspective.

1           And so, you know, as the one overarching  
2 kind of theme I hope to impart is that, you know,  
3 environmental laws that we currently have work  
4 best when they make good projects better. And I  
5 think that's what's really important for this  
6 Commission to consider as they evolve on this  
7 road of exploring lithium in this region.

8           As I was considering the Commission's  
9 responsibility to examine the possibility of  
10 exploring the benefits, as well as mitigating the  
11 impacts, that really hits the core of what this  
12 industry is going to pose onto the community here  
13 near the Salton Sea. There is, as one of my  
14 Panelists mentioned earlier, there's a narrative  
15 that we need to rush through this process, and  
16 that could have some damaging impacts.

17           I think overall the idea that, you know,  
18 I hope to convey is to really have a good sense  
19 of what is mitigation and what is benefit? Here,  
20 I think, again, what's most important is that  
21 before you get to the benefits you're examining  
22 as much mitigation as possible. These projects  
23 are going to have impacts.

24           That being said, there's usually ample  
25 opportunities for feasible mitigation. And so to

1 often, in the rush to get a project up and  
2 running, and industry up and running, sometimes  
3 those mitigations are left on the wayside. And  
4 that's what I hope this Commission really  
5 appreciates, that there are opportunities to  
6 mitigate that should be -- happen, and not  
7 withstanding whatever benefits.

8           And then on the flip side, in terms of  
9 the benefits, there are existing framework and  
10 existing approaches to ensure and enshrine those  
11 benefits to the community. I'm sure all would  
12 agree that we hope that any sort of industry, an  
13 extractive industry, does benefit the local  
14 community. And it's really key that there is  
15 that local component because it directly relates  
16 to many of the impacts that could happen from  
17 some industries and some facilities up around  
18 here.

19           And last, I'll close at this point, I'll  
20 discuss a bit more later during the panel, is  
21 that environmental laws, especially the ones in  
22 California and federal, there really is two  
23 components, one is procedure, and one are more  
24 substantive. And I cannot stress how important  
25 the procedural framework and the procedural

1 requirements really do serve to not only mitigate  
2 but also ensure the community is an active  
3 participant in any of these projects.

4 And I'll close at that.

5 CHAIR PAZ: Thank you.

6 So our next Panelist is John Hernandez  
7 from Our Roots Multicultural Center.

8 John, if you can un-mute yourself?

9 MR. HERNANDEZ: How's that?

10 CHAIR PAZ: Perfect.

11 MR. HERNANDEZ: Okay. I'm John  
12 Hernandez. And I guess I bring a perspective of  
13 someone who has lived in Imperial County almost  
14 my whole life, I did small stints outside, San  
15 Diego, Hawaii, military-type stuff, but the first  
16 wave of immigrants in this region from Mexico,  
17 per se, were my grandparents, my fathers and  
18 stuff, so I have a perspective of, I guess, 100  
19 years of what I've seen.

20 And when we talk about environmental  
21 justice and community development, this is what  
22 I've seen, is that there's a fine line between  
23 environmental justice concerns of the Mexican-  
24 American community, that I'm the one that's down  
25 here and reading what the census numbers are, and

1 the fine line that I talk about is the  
2 environmental concerns between their water and  
3 land in our community. And we only have these  
4 last 100 years, or the 50 that I can kind of tell  
5 you about, that has developed Imperial County's  
6 ag business community as one of the best in the  
7 world.

8           And the last 30-40 years of geothermal,  
9 expansion around the Salton Sea, and now we know  
10 that it hasn't worked for us. This model for the  
11 majority of the population hasn't worked for us  
12 in health -- you can find the numbers -- in  
13 education. You can see the, you know, number of  
14 people that have left the community. I'm on my  
15 way to San Marcos now to go visit family and see  
16 a grandkid play sports because they had to leave  
17 the area for lack of opportunities.

18           Just a little bit across the border in  
19 the region of the air basin that we share with  
20 Mexicali, the Colorado River that we share with  
21 Mexicali, so the water in there is very well  
22 shared and understood, but yet, in the  
23 development of the environmental concerns, we've  
24 seen what it's done. We've seen what we've had  
25 in the Alamo, the New River, and the Salton Sea,

1 and we don't want that from lithium development.  
2 I mean, we can probably have somebody tell us 50  
3 years down the road, or 100 years down the road,  
4 what's going to happen to our community if we do  
5 it this way, what's going to happen if we do it  
6 that way.

7           What we do want are those things that  
8 I've mentioned, that we want clean air, clean  
9 water, a good land to live on. But with that, we  
10 want educational opportunity. What we want is an  
11 economic investment in our communities. Why are  
12 cities blighted? Why are they dead? Why, in  
13 these 100 years, we only have one junior college?  
14 Why do we have just one state college? You know,  
15 why just two hospitals and no doctors, per se,  
16 that have been developed in our community?

17           So when we talk about this economic  
18 investment with this fine line that I tried to  
19 tie into the environmental justice, well, I  
20 think, just think that this -- this fortune  
21 that's to be made, and the numbers are there or  
22 else these companies wouldn't be here, and they  
23 have their studies, and they have everything from  
24 satellite imaging to, you know, investor  
25 portfolios to tell them that they're in the right

1 place at the right time, but they need to support  
2 the community, but the community wants something  
3 back. We want our fair share to be put back into  
4 our community.

5 I hear talks about wanting to find that  
6 sweet spot for training the workforce, for  
7 developing industry and manufacturing of maybe  
8 the batteries, the diodes, the plants that are  
9 already going to be put in, in conjunction with  
10 the geothermal. But what's going to happen if we  
11 double all the geothermal and we double the  
12 lithium extraction?

13 So my concern, as someone who's kind of  
14 watched this for a long time, is that, you know,  
15 we just want our fair of these public resources,  
16 and that there be some type of mandatory  
17 investment, and they'd be tied to legislation,  
18 policy, and on all levels of government for  
19 communities. And that way, it might be better  
20 down the road, 50 or 100 years from now, we can  
21 say that, you know, we did the right thing in  
22 looking at things like the Salton Sea, like the  
23 New River, the Alamo River, the attainment of air  
24 quality, that we took that into consideration for  
25 environmental concerns and the environment that



1 we currently live under.

2           So you know, we're not speaking the same  
3 language. When we talk about grassroots, we're  
4 not speaking the same language. One side of the  
5 line is speaking that Grassroots is, you know,  
6 the biggest producer of grasses around the world  
7 and the control of the biggest chunk of water of  
8 the Colorado River. And you know, these things  
9 are king for us, development. We can't do too  
10 much better than Burger King.

11           So I just hope that the Commission and  
12 the legislators are listening to the community,  
13 that we're able to get opportunities like this to  
14 sit down and to iron out our thoughts and our  
15 marching orders or opportunities, to how we make  
16 that better for everyone in law and policy and in  
17 actions. And that's why we have the CalEPA,  
18 USEPA, Water Boards, and all these because we've  
19 had to hold people accountable. And I just hope  
20 that, in protecting our environment, we continue  
21 to do that.

22           I'll stop. Thank you very much.

23           MS. CHAVEZ: Thank you, John.

24           CHAIR PAZ: Sylvia, back to you for the  
25 moderated discussion.

1 MS. CHAVEZ: Thank you, Silvia.

2 This question is for Kim, Kim Delfino.  
3 From a legal perspective, do existing and  
4 environmental laws provide a mechanism to not  
5 only mitigate but, also, ensure community  
6 benefits?

7 MS. DELFINO: So I'm not aware of  
8 environmental laws that require community benefit  
9 agreements or community benefits, per se.

10 And I kind of want to back it up a little  
11 bit. I've been thinking about this question  
12 quite a bit. And I want to just sort of touch on  
13 a couple points that the previous speakers made.

14 One is the issue about rushing, which  
15 feeds into -- and I say this because I've been  
16 under -- I've been in the pressure of trying to  
17 reach agreements when they were trying to move  
18 the water transfer forward. I've been in the  
19 situation when we had the solar rush in the  
20 desert and the pressure to develop without a lot  
21 of planning and understanding of what the impacts  
22 are.

23 With that being said, I think we've  
24 learned a lot of lessons, and that is that we  
25 should be working more proactively. So a lot of

1 times the environmental laws are reactive.  
2 They're a response to a project being proposed  
3 and there's going to be impacts from that project  
4 and, therefore, you have to, you know, mitigate  
5 to that project. But I'm proposing that we think  
6 a little bit more upstream in the sense of we  
7 need to be thinking about ways of avoiding those  
8 impacts, or flipping things around so it's more  
9 proactive rather than reactive.

10           So for example, with the Desert Renewable  
11 Energy Conservation Plan, the Energy Commission  
12 and the State of California spent a lot of time  
13 and effort and money planning ahead of time to  
14 figure out where to best things, how to avoid  
15 impacts all together.

16           And I think that in that sense, you know,  
17 the Lithium Commission should be looking at being  
18 more creative than simply relying on the  
19 Endangered Species Act or the Clean Water Act to  
20 appropriately mitigate and, instead, thinking  
21 more creatively about are there ways that you  
22 could put into state law some kind of community  
23 benefit requirement associated with the  
24 development of lithium down at the sea, or  
25 working with the county in terms of doing

1 community benefit agreements?

2           So, yes, you can -- you're going to have  
3 environmental laws that will require mitigation,  
4 and you could creatively deploy that mitigation  
5 that provides some community benefits. For  
6 example, there's endangered species impacts and,  
7 you know, the company has to acquire land, you  
8 could acquire land in a way that's close to  
9 communities that could benefit from those being -  
10 - that area being opened up and, perhaps,  
11 providing some kind of park or, you know, natural  
12 resource opportunity.

13           But I actually would argue really hard  
14 for something even more proactive and thinking  
15 outside the box a little bit more so that you're  
16 not simply at the end of the pipeline dealing  
17 with mitigation and how to creatively use the  
18 mitigation.

19           MS. CHAVEZ: Thank you, Kim.

20           Silvia, there's a hand up on the screen.  
21 I don't know -- okay.

22           To our next Panelist, the question is for  
23 Jordan Sisson. From a legal perspective, during  
24 the CEQA and EPA environmental review process,  
25 what are key areas of controversy of issues that

1 affect community impacts?

2 MR. SISSON: Thank you so much. Allow me  
3 to indulge, if I could dovetail off of Mrs.  
4 Delfino's last response?

5 I totally agree with Ms. Delfino. It's  
6 always best to be proactive and get out in front  
7 to avoid impacts. That being said, the  
8 experience up to date has been project by  
9 project. And, ultimately, there are, at least  
10 with CEQA and NEPA, are legal frameworks that  
11 projects have gone through and that will likely  
12 go through in the future and how best to merge  
13 those two, being proactive, providing those  
14 mechanisms to avoid impacts, and also in  
15 providing, you know, guidance on really good  
16 mitigation is critical.

17 But as products come through, there's  
18 that CEQA and NEPA process. And CEQA is the  
19 Californian, NEPA is the Federal Environmental  
20 Protection Act, and there's many similarities.  
21 But one thing unique here in California is CEQA  
22 in the sense that it has both substantive and  
23 procedural safeguards. It requires mitigation.  
24 And one thing that's unique by CEQA is that, in  
25 an EIR context, and Environmental Impact Report,

1 which is typically prepared when there is a  
2 significant impact, the lead agency, whether it's  
3 a county or state agency, has an opportunity to  
4 adopt a Statement of Overriding Consideration.  
5 And that's an opportunity for that lead agency to  
6 identify what significant impacts are and what  
7 are those considerations that says to the public,  
8 notwithstanding these impacts, this project is  
9 good for a variety of reasons.

10           And one of the ways some cities, some  
11 counties, and some lead agencies have approached  
12 this is through a CBA. And CBAs are unique.  
13 They can also go hand in hand with a development  
14 agreement. This is particularly important where  
15 there's public land involved, where the public is  
16 going to be given a lease or selling land to an  
17 industry type. It's a contract. And they can  
18 negotiate what that community benefit looks like.  
19 And these can be very nimble.

20           And there's some unique features about a  
21 CBA and development agreements that are unique  
22 and that can it be helpful for the community to  
23 be a part of this process where they can include  
24 provisions, like a local hiring requirement.  
25 They can also include a local contracting

1 requirement. Workforce development, there can be  
2 provisions for, you know, good-paying jobs. And,  
3 also, an identification of environmental projects  
4 that are of great concern to the community.

5           As I hear my fellow Panelists talk about  
6 some of the issues that the communities are  
7 concerned with, right, I do think a CBA can  
8 address many of these things. And, more  
9 importantly, it provides them enforceability.  
10 It's a contract with not only the agency and the  
11 industry, but also the key community groups that  
12 are a party to that CBA, and so there's another  
13 level of accountability which is so important.

14           Apologies for digressing. Back to the  
15 question at hand. I'll be very much more quick  
16 with this.

17           You know, here, based on my review of  
18 other projects in this field, you know, there  
19 are, obviously, several resources that have been  
20 dealt with pretty standard, like cultural,  
21 biological impacts. You know, these things can  
22 really be handled with a drafting of best  
23 management practices and ensuring that that is  
24 out there for the -- you know, ultimately what's  
25 going to happen is a lead agency is going to look

1 at a project at look for guidance.

2           And I think this blue ribbon committee  
3 should really think about how can we address some  
4 of those impacts that Ms. Delfino was discussing  
5 could be addressed through crafting best  
6 management practices? These really should be in  
7 coordination with other agencies that have real  
8 expertise in the area, you know, for hazards and  
9 wastewater. You know, DTSC, the Water Board,  
10 great resource. Obviously, for endangered  
11 species, you know, there is ample opportunity to  
12 coordinate with the relevant agencies.

13           But with this sort of product, with  
14 lithium, I think there's going to be a concern  
15 with some unique resources, particularly air  
16 quality, traffic, and utilities, as well as  
17 greenhouse gas emissions. You know, here, it's  
18 really going to take coordination with the local  
19 air pollution control district to really kind of  
20 craft appropriate thresholds and methodology and  
21 understanding what a project impact is going to  
22 look like. And, ultimately, a lead agency is  
23 going to have the discretion and, absence any  
24 guidance, we don't know what's going to happen.

25           And so I think this Commission is in a



1 good position to recommend that guidance is given  
2 to lead agencies so they understand what should  
3 be considered an impact.

4           Beyond that, one of the things that was  
5 raised earlier today was about streamlining, how  
6 can these projects be streamlined? In my  
7 experience, just as one of my Panelists said,  
8 streamlining doesn't always necessarily mean it's  
9 the best for the community. This is going to --  
10 any sort of effort to streamline really has to,  
11 first, do the heavy lifting of understanding what  
12 those best management practices are, what are  
13 those unique resources that have impacts, and  
14 providing guidance up front. Because, absent  
15 that, I think you're going to see a lot of  
16 projects come forward where it's going to be  
17 crafted by environmental preparers that have an  
18 interest in seeing a project not see a  
19 significant impact.

20           And the importance of that is that that  
21 means there's less mitigation. That means the  
22 community is leaving mitigation off the table.  
23 It often means that there's no opportunity to do  
24 a Statement of Overriding Consideration, and EIR.

25           So my recommendations, in sum, would be

1 really crafting clear BMPs, helping craft clear  
2 thresholds for the various resources, and  
3 ensuring that the public participation is really  
4 sought out through this entire process. This is  
5 very technical stuff. Community really needs an  
6 opportunity to understand, it's a very technical  
7 and high-level analysis and operation, and  
8 understand what that impact is going to be in  
9 real terms and in real-life scenarios.

10 Thank you.

11 MS. CHAVEZ: Thank you, Jordan.

12 Next question is for John Hernandez.

13 What are your concerns regarding the increased  
14 stress on air and water due to the increased  
15 geothermal generation and lithium mining?

16 MR. HERNANDEZ: Well, I can only relate  
17 to what's happened with the salinity in the  
18 Salton Sea. I haven't been able to seek to much  
19 or gather information regarding where they've  
20 done what they consider to be clean mining out  
21 here, to clean technologies (indiscernible)  
22 technology. But I'm sure that the sheer  
23 chemicals that are used in the process of  
24 extracting the lithium from the brine and the  
25 process of changing the lithium into the two

1 other byproducts, that there's a little bit of  
2 byproduct.

3           So I'm concerned that, you know, 20, 30,  
4 40, 50, even 100 years down the road, where are  
5 all these contaminants? You know, where are all  
6 these safeguards?

7           Yet they're going to bore down a mile to  
8 get to it. And we've had shifts of the earth.  
9 We've had shifts in the crust and to the Niland  
10 area, sinkholes. I think that things can change.  
11 You know, we've had the big floods throughout  
12 Bombay Beach. And who knows? I just hope that  
13 the safeguards are in place to cover all the  
14 bases in terms of, as someone said earlier,  
15 storage, transport, and leach of any hazardous  
16 waste materials.

17           So those are my concerns for the long  
18 haul, what safeguards do we have? Even  
19 Japan comes to mind with earthquakes  
20 and Fukushima. Who knows, you know, how much  
21 damage that is continuing to cause? So, you  
22 know, we have to think about these things and not  
23 just issue fast-track conditional use permits and  
24 then come back later and say, oh, well, we should  
25 have thought about that.

1           So that's what comes to mind. Thanks.

2           MS. CHAVEZ: Thank you, John. Thank you.

3           The next question is for Dr. Thea  
4 Riofrancos. Drawing on your research on the  
5 global lithium sector on the social and  
6 environmental harms of lithium projects on local  
7 communities, can you share with us findings  
8 and/or examples of how these harms can be avoided  
9 or mitigated?

10           DR. RIOFRANCOS: Yeah. Thank you so  
11 much. What I want to do is just, first, give  
12 like an overview based on my direct research, but  
13 also the secondary literature on extractive  
14 sectors around the world, on what types of harms  
15 mining, and that includes lithium, and I know  
16 that the Salton Sea project is unusual in the  
17 technologies that it's going to use, but I want  
18 to put it in a broader category of mining, and of  
19 lithium mining in particular.

20           So in Chile, in Nevada, in Portugal, you  
21 know, in these other places, lithium sectors or  
22 potential lithium sectors, what harms have  
23 communities faced already and been impacted by or  
24 are potentially facing as the sectors expand?  
25 I'm just going to list them and I'm going to

1 start with environmental, and then I'm going to  
2 go to social and economic, and then I'll go to  
3 solutions.

4           So the main issue in the lithium sector  
5 is water access and contamination. Now I don't  
6 want to say that this is going to happen in  
7 Salton Sea. None of these relate directly to or  
8 for specifically the Salton Sea, these are just  
9 in general, what types of harms tend to accompany  
10 lithium extraction? And so water access, less  
11 access to the water table, to groundwater, and  
12 the contamination of water.

13           There's also the use of water; right?  
14 The use of water as a cooling agent, as a  
15 processing agent, so you just have a lot of  
16 stress on water. And this can often happen --  
17 sorry -- this can often happen in areas that are  
18 pretty vulnerable already to water shortages;  
19 right? So we're looking at a lot of desert  
20 landscapes or arid landscapes that have lithium  
21 resources in them.

22           Other threats are biodiversity and  
23 species extinction, habitat destruction. Then we  
24 also have the production of waste, which always  
25 happens with mining, because whatever comes out

1 of the earth, there's a small percentage of it  
2 that is the value mineral and the rest of is  
3 waste. Again, I am aware that Salton Sea, the  
4 proposed methods of extraction involve recovery  
5 and BLE (phonetic), and maybe the waste could be  
6 diminished. But I just want to flag that the  
7 global mining sector is a huge source of waste  
8 worldwide.

9           Then you have the issue that mining is  
10 often energy, and even emissions, intensive. And  
11 this is a bit of paradox because sometimes mining  
12 that might be needed for green technologies  
13 itself, in the near term, produces emissions if  
14 the grid is not yet renewable.

15           Let me go to the social harm. So with  
16 native communities, you have an issue. This is a  
17 big one in the U.S., but also around the world,  
18 where there's no adequate prior consultation.

19           Another, just more generally, and this  
20 might apply to some of the communities, as well,  
21 in this room, you have ethnic and racial forms of  
22 marginalization.

23           You, also, and I think this very much  
24 applies to Imperial County, you have an absence  
25 of state services of social services and a public

1 infrastructure. Why is this a problem? Well,  
2 it's a problem, in and of itself, obviously,  
3 because it leads to economic insecurity.

4           But also, it's a problem because often  
5 times, extractive companies, the mining company,  
6 the listing company will say, we'll provide the  
7 services. But then that leaves communities very  
8 dependent on the extractive company and can  
9 create a sort of company town effect. Where  
10 communities are very vulnerable if that company  
11 leaves or the investment goes down, then they  
12 don't get the social services, so I would warn  
13 again, any kind of policy framework that makes  
14 social services that are due to communities as  
15 their rights contingent on the companies or  
16 contractor economic conditions in the lithium  
17 sector.

18           Another issue tends to be that promised  
19 jobs and economic dividends don't materialize.  
20 Again, I'm not commenting on any specific plans  
21 in the Salton Sea, but this is very common in the  
22 mining industry, that a lot of jobs were  
23 promised, but then it turns out that those jobs  
24 required skills that local communities don't  
25 have. Those communities are not skilled up. The

1 training is not provided. And, instead, you have  
2 folks migrating into the area to fill those jobs,  
3 and so the community doesn't benefit as much  
4 economically.

5           And all of this relates, again, to a  
6 broader situation which there's a very big power  
7 dynamic or inequality between a marginalized  
8 community, which tends to be where traction takes  
9 place, and large multinational companies; right?  
10 So you have to understand that the negotiating  
11 dynamic is very asymmetrical. And unless the  
12 state really fills its role in being a mediator  
13 or an equalizer of that, it's going to be an  
14 unequal negotiating dynamic.

15           One final part on the problems. And then  
16 I'm going to go to solutions.

17           I think it's important to understand, and  
18 this might sound like a weird thing to say but  
19 I'll hopefully make it make sense to you, where  
20 traction takes place is not just determined by  
21 geology. In fact, lithium is relatively abundant  
22 in the earth's crust. That doesn't mean every  
23 deposit of equal quality or accessibility. But  
24 the issue is rarely that, no pun intended, that a  
25 mineral is rare. The issue is rarely that this



1 is the only place it can be extracted from.

2           What we see, based on like for larger-  
3 scale historical research, is that there's a  
4 correlation between where extraction, which is  
5 often toxic and harmful, occurs and indigenous  
6 territories, racial or ethnical marginalization,  
7 economic precarity, and the absence of the state  
8 or government services. Those are the places  
9 that traction tends to get to take place. And  
10 those are places that are least able to be  
11 resilient against some of the harm of extraction  
12 and some of the tactics that companies will use  
13 in negotiation with communities.

14           So that's like the harms. Let me move to  
15 the solutions and I'll try to be really brief.

16           As everyone on this panel as emphasized,  
17 the most important thing is to be proactive, to  
18 do things right at the beginning. Sometimes that  
19 means not developing a project because it is just  
20 too harmful; right? That possibility of the  
21 right for communities to say no, or if certain  
22 landscapes or ecosystems being designated too  
23 vulnerable to weather extraction, needs to always  
24 be on the table. Because if you don't have the  
25 possibility that extraction will not happen,

1 you're not really bargaining with all the options  
2 on the table when you're dealing with an  
3 extractive firm.

4           So it's important to be proactive at the  
5 outset to prevent rather than simply redress  
6 harm. And also to institute regulations and  
7 policy models at the outset that will ensure  
8 community benefit and prevent harm, rather than  
9 mitigate it, because it's very hard to change  
10 those models, policy, contract, et cetera, after  
11 the fact. It's better and easier to do it ahead  
12 of time.

13           Two more quick points here on solutions.

14           I think that this Commission is actually  
15 a great example of a solution I'm about to  
16 mention, which is making sure that local  
17 communities have objective and independent  
18 information that's independent of the companies;  
19 right? Often times, communities lack that  
20 information and have to rely on the information  
21 provided by companies. And the kind of  
22 consultation processes are very skewed towards  
23 the companies. So a multi-stakeholder commission  
24 like this helps mitigate or avoid that harm.

25           But I think we can even go further. Like

1 what it would look like for communities to be  
2 allocated resources to hire their own independent  
3 experts when they go in to sit down at the table  
4 with a firm and look at their Environmental  
5 Impact Statement, right, to have -- so  
6 communities are well resourced in that process.

7           And then last three points I want to  
8 make. I think a big solution is economic  
9 security and economic justice before mining.  
10 Rather than thinking about mining or lithium  
11 mining as what's going to bring economic justice  
12 and security, I think the more that communities  
13 are economically secure before mining takes  
14 place, they are playing on a more level playing  
15 field with the government and with the companies.  
16 What we often get is economically precarious  
17 communities are where traction takes place. And  
18 they are the least able to negotiate in a  
19 powerful way and the most vulnerable to mining  
20 companies.

21           The last two things I want to say, it's  
22 very possible that new technologies, like lithium  
23 extraction and geothermal extraction, could  
24 mitigate some of the environmental harms,  
25 especially the water use and the waste that I

1 mentioned. But I think that the jury is still  
2 somewhat out. A lot of those technologies are  
3 only at a pilot scale, so we need to really study  
4 them rigorously and scientifically.

5           And then the last thing I always say, I  
6 know I'm a broken record, but we need to think  
7 about ways to reduce demand for new mining,  
8 whether that's recycling, whether that's  
9 prioritizing public and mass transit over  
10 individual EV ownership, and whether that's using  
11 other circular technologies to recover, rather  
12 than mine, new material. I think that should  
13 just always be at the outset of these policy  
14 conversations.

15           Thank you so much.

16           MS. CHAVEZ: Thank you, Doctor.

17           So three minutes. Let's move in -- we  
18 can move into questions and answers. It's  
19 scheduled for three o'clock, so we can move into  
20 questions and answers from the public. Any  
21 questions --

22           CHAIR PAZ: Thank you.

23           MS. CHAVEZ: -- Commissioners?

24           CHAIR PAZ: Yes. So --

25           MS. CHAVEZ: Thank you, Silvia.

1 CHAIR PAZ: -- thank you, Sylvia, and I  
2 appreciate all the Panelists.

3 And so we will take questions from the  
4 Commissioners first, then we're going to go on a  
5 break, then come to the next panel, take  
6 questions from the Commissioners for that panel,  
7 and then open the whole topic to public comment.

8 So at this point, if any of the  
9 Commissioners have any questions, you can signal  
10 to me by raising your hand. And I'm looking at  
11 the screen just to make sure I don't miss anyone.

12 Commissioner Guzman-Aceves?

13 COMMISSIONER GUZMAN-ACEVES: Thank you,  
14 Chair Paz. And it's good to see many of the  
15 Panelists.

16 Kim, it's very good to see you. I know  
17 your work in the area is very long. And you  
18 spoke of this, and so did a couple of the other  
19 Panelists, about being creative. And you  
20 referenced the DRECP as one of those ideas. Are  
21 you -- you know, can any of you say maybe, also  
22 Thea, in your research, what are some of those  
23 creative ideas that you're thinking of? Is it a  
24 programmatic EIR for the environmental side, or  
25 are you thinking of other things that are not as

1 formal that have a plan?

2 MS. DELFINO: I can just, really quickly,  
3 and then let the other Panelists speak.

4 I mean, when I was talking about the  
5 DERCP, I was really referring to more of a  
6 proactive planning, because that was a very  
7 formal process. And I think, you know, when I  
8 talk -- what I'm thinking about wouldn't take --  
9 it would not take the eight years the DRECP took.  
10 That was over 20 million acres.

11 But, no, I'm thinking about the state  
12 help, working in conjunction with the local  
13 community on sort of a planning effort, in  
14 particular, integrating it in with the Salton Sea  
15 Restoration piece to make sure that as projects  
16 are being planned around the perimeter, that they  
17 are not in conflict with how maybe the community  
18 would like to see some community benefits  
19 development.

20 With that being said, I also think -- I  
21 think it's not a sort of a one-shot deal. The  
22 other things the Energy Commission did that I  
23 thought I was very helpful in the DRECP context  
24 was they provided grants to the counties to then  
25 work on updating their -- creating like a

1 renewable energy element. And so there could be  
2 work with the county and the communities to do an  
3 upgrade of their land use planning piece that  
4 could also include, perhaps, some of the more  
5 proactive things such as, you know, directing  
6 funding to specific amenities that the  
7 communities are looking for, as well as, you  
8 know, figuring out best management practices.

9           Which sort of leads me to another thing  
10 that the Energy Commission has done in the past,  
11 and I only say this because I'm most familiar  
12 with the Energy Commission, is, you know, when  
13 the wind -- when wind technology was just  
14 starting up in California, they led an effort to  
15 create best management practices around the  
16 development of wind, and I think that was also  
17 very helpful. And I know that was mentioned  
18 here, as well, is developing best management  
19 practices.

20           One of the things I grappled with in  
21 preparing for this panel was not fully really  
22 understanding what all of the environmental  
23 impacts are from the technologies that will be  
24 used to extract or recover the lithium from the  
25 brine. So, you know, we need to have a good

1 handle on what that actually means. And once you  
2 are able to figure that out, then you can start  
3 crafting best management practices to avoid,  
4 minimize, and mitigate those impacts.

5 So from my natural resource world of  
6 looking at things, those are some of the things  
7 I've thought about, but I'll turn it over to  
8 others.

9 DR. RIOFRANCOS: I'll be really brief. I  
10 think those are all great ideas from Tim. And,  
11 look, experts that know the local site and the  
12 state context much better than I do can come up  
13 with great, you know, specific suggestions of  
14 that sort.

15 But I want to bring something up that  
16 might not occur to people so that it will be,  
17 hopefully, be useful. I think that often times we  
18 think about community benefits in terms of jobs  
19 that are generated, direct and indirect, in terms  
20 of forms of compensation or remediation of  
21 environmental harm, whether in the case of Salton  
22 Sea preexisting environmental harm and/or  
23 environmental harm caused by the project itself.  
24 Sometimes we also see companies make specific  
25 promises around specific investments, like we



1 will donate to X charity, scholarship fund, we  
2 will repair this road; right? So we get very  
3 targeted investments.

4 I think that there's some down sides with  
5 all of those. As I've already mentioned, I think  
6 that what's best is for there to be ways to  
7 ensure more economic security before the  
8 extraction takes place so that communities are  
9 more empowered no matter what happens, that the  
10 state and the public sector should really be  
11 providing those public goods rather than the  
12 company, though I have no issues with taxation or  
13 royalties or other contributions from companies  
14 to the general fund that might provide such roads  
15 or schools, for example. But I think we get into  
16 a tricky relationship and a tricky power dynamic  
17 when it's the company that's directly providing  
18 those social goods.

19 So I want to sort of introduce a little  
20 bit of critical thinking around some of the ways  
21 that benefits are often conceived. And I want to  
22 kind of introduce a different way to think about  
23 benefits which is more outright ownership and  
24 decision-making power; right?

25 So what would it look like for

1 communities not just to get, you know, specific  
2 dividends from a project, or maybe get jobs if  
3 the jobs materialize, but to actually have an  
4 equity stake or an ownership role in the project  
5 or company itself; right?

6           What would it look like for communities  
7 to have decision-making power for their not --  
8 for that not to be just something that executives  
9 or shareholders or managers for the company have  
10 but that communities actually have a protected  
11 right and role in terms of making decisions about  
12 the project?

13           That all should be contingent on  
14 communities consenting to the project in the  
15 first place. But if they do, after rigorous  
16 environmental evaluation, then I'm curious about  
17 Commissioners' thoughts, you know, they don't  
18 need to respond, but just like wonder and food  
19 for thought, what it would like to have more  
20 direct community ownership? Just like we talk  
21 about community-owned solar, we can also think  
22 about community-owned, you know, lithium,  
23 geothermal, lithium projects, or maybe  
24 communities own the geothermal electricity  
25 portion or have some ownership stake in that

1 while the company retains ownership of the  
2 lithium extraction.

3 But I just want to throw that in as a way  
4 for communities to get much more direct economic  
5 empowerment but, also, that key decision-making  
6 power as well.

7 CHAIR PAZ: Thank you.

8 I will go to Commissioner Castaneda. If  
9 you can un-mute yourself?

10 COMMISSIONER CASTANEDA: After all these  
11 months of using this program, we still forget to  
12 do that.

13 You know, you raise, Dr. Riofrancos, you  
14 raised a lot of extremely intriguing ideas and,  
15 clearly, are, I think, going to be -- would be  
16 very effective in terms of bridging that gap  
17 between the community and, obviously, those that  
18 are motivated by profit.

19 Are there -- and, again, these --  
20 obviously, these are concepts that have been  
21 looked at and have been thought about, but can  
22 you think of anywhere in the world where  
23 something around the lines of what you just  
24 described partially exists, at the very least?

25 DR. RIOFRANCOS: I knew someone was going

1 to ask me that if I brought up these wacky ideas.

2           You know, yes and no, yes and no. There  
3 is not a situation that I'm aware of in the  
4 lithium sector of outright community-like partial  
5 ownership or equity stakes. There are contract  
6 models in Chile that designate a portion of  
7 royalties to the community. I have my issues  
8 with the contract model, so I don't want to  
9 endorse it. But I do want to say that it is  
10 novel to have royalties directly, you know,  
11 royalties which are a proceed of sales, directly  
12 channeled to communities; right? So that's  
13 interesting. I think outright ownership would be  
14 better.

15           But we do have examples for other parts  
16 of the energy sector. We have community-owned  
17 solar. We have community-owned wind farms;  
18 right? And community-owned can sometimes be the  
19 community owns all of it or the community owns  
20 part of it; right? And so there are different  
21 models. And sometimes it's the public sector  
22 owns part of it in the community; right?

23           There's lots of ownership models out  
24 there. I really recommend Thomas Hanna's, and I  
25 can put it in the chat, his book on forms of

1 ownership -- sorry, I have this puppy that wants  
2 to destroy something -- anyway, that kind of goes  
3 over lots of creative forms of ownership, public  
4 ownership and community ownership and municipal  
5 ownership.

6           And whether or not they even apply to  
7 lithium doesn't really matter. This is a firm,  
8 it's an extractive project, it's an economic  
9 activity. You can take examples from other  
10 projects and activities out there. And there's  
11 lots of examples of worker-owned cooperatives,  
12 consumer-owned cooperatives. I mean, if we just  
13 open our minds, there's a lot out there in terms  
14 of ownership model that isn't the shareholder  
15 ownership model; right?

16           And so I just want to suggest that,  
17 again, if communities consent -- because I always  
18 preface it that way, I don't want to ever sound  
19 like I'm imposing like the project on the  
20 community or like, you know, assuming that the  
21 project will happen, but if it happens -- what  
22 other models of the distribution of economic  
23 benefits are there that aren't after the fact, ex  
24 post factor, distribution or don't depend on  
25 certain job predictions but, instead, are real

1 ownership with real decision-making power?

2           And those you can find examples of around  
3 the world in other sectors, but I don't see why  
4 they're not applicable. And I'll put some  
5 research and reports on that kind of thing in the  
6 chat in a second.

7           COMMISSIONER CASTANEDA: Thank you very  
8 much.

9           Thank you, Chair.

10          CHAIR PAZ: Thank you.

11          Commissioner Olmedo?

12          COMMISSIONER OLMEDO: Hi. It was just in  
13 reference to the local plan. But I want to go  
14 ahead and have, if it's okay, Madam Chair, that  
15 Commissioner Kelley goes first, because I don't  
16 want to be repetitive?

17          CHAIR PAZ: Sure.

18          COMMISSIONER OLMEDO: I'm not sure if  
19 he's going to --

20          CHAIR PAZ: Commissioner Kelley?

21          COMMISSIONER OLMEDO: -- speak about this  
22 comment.

23          CHAIR PAZ: Commissioner Kelley? Thank  
24 you.

25          VICE CHAIR KELLEY: Yeah. So I did post

1 a question in the Q&A. I'm not sure if either  
2 the panel or the rest of the Commissioners are  
3 aware of what's occurring in Imperial Valley for  
4 the past six months where these conversations are  
5 happening about developing a specific plan, doing  
6 analysis. I did hear some comments that were  
7 troubling to me. And I do want the Panelists to  
8 respond to this.

9           So the concern that the local versus a  
10 corporate entity in negotiation should be -- they  
11 should have state assistance or either chaperone  
12 to be able to deal with that. I take exception  
13 to that because I recall certain activities that  
14 have already occurred by the State of California  
15 on Imperial County, and that includes the DRECP,  
16 which included all of the disturbed land, the  
17 400,000-acre-plus of agricultural land in  
18 Imperial Valley designated for renewable energy  
19 development. And we had to fight back to make  
20 that change.

21           The Salton Sea, a promise made that  
22 mitigation waters were to buy time to be able to  
23 address the receding sea. And we had to fight  
24 back to be able to see that change.

25           So I'm not in league with that analysis,

1 that the State of California would be our  
2 benefactor in that role. And I ask the  
3 Commissioners to take a look at that -- at what  
4 we're doing locally. I think we do have the  
5 capacity to be able to meet the needs of our  
6 community and see new development, and we're  
7 balancing that out and moving forward with a  
8 project that's scoped, including most of the  
9 things you've talked about, mitigation,  
10 infrastructure, workforce development, and  
11 community benefit.

12 Thank you.

13 CHAIR PAZ: Thank you.

14 Commissioner Olmedo?

15 COMMISSIONER OLMEDO: Yeah. So, yeah,  
16 kind of building off of that is one situation we  
17 often face here is, I mean, there's a reality.  
18 The entire region is disadvantaged. And it's an  
19 interesting dynamic because while the region is  
20 impacted, while we are a disadvantaged community  
21 in all types of data, models and maps that are  
22 out there, there still remains a deeper  
23 disadvantage; right? There's always, you know,  
24 as they say, there's always somebody who's going  
25 to be in a worse situation.



1           And this is a question to the panel.  
2 Because I think that while I understand the  
3 disadvantaged to be disadvantaged in comparison  
4 to the rest of the state, the rest of the  
5 country, that our region has faced, whether it be  
6 the eastern Coachella or the Imperial Valley, and  
7 the lack of recognition of an international  
8 interconnectedness and daytime population, I  
9 mean, so many factors that get neglected, we are  
10 an underinvested area.

11           But is there any models that the  
12 Panelists or any best practices that the  
13 Panelists can share, if you have any that -- how  
14 do we address that dynamic where, yes, we are  
15 disadvantaged, as our governments are  
16 disadvantaged, but we have a disadvantaged  
17 population that often, kind of very similar to  
18 that 1-to-99 percent, right, where that 1 percent  
19 is kind of, you know, still within that  
20 disadvantaged has the majority of the access and  
21 the political clout while the 99 percent remains,  
22 you know, in a deeper disadvantage, how do we  
23 balance that? Are there any models out there?

24           I know, Thea, you've come across -- you  
25 know, a lot of what you brought just resonates.

1 But I, you know, want to open it up to you, Thea,  
2 and others, as well, that may have a response to  
3 that as some type of a model or example that  
4 you've dealt with in these similar situations?

5 Thank you.

6 Thank you, Madam Chair.

7 CHAIR PAZ: Thank you. So wait to see if  
8 any of the Panelists have an answer to Commission  
9 Olmedo's question regarding existing models. I  
10 don't see any responses. And I don't see any  
11 other hands.

12 DR. RIOFRANCOS: I think Jordan's hand is  
13 up, but I could be mistaken.

14 CHAIR PAZ: Okay. Jordan?

15 DR. RIOFRANCOS: I think Jordan's is on.

16 MR. SISSON: Yes.

17 CHAIR PAZ: Thank you.

18 MR. SISSON: Yes. I raised my hand so I  
19 don't overstep anybody.

20 Commissioner Olmedo, that's a great  
21 question. And I think, as one of my Panelists  
22 mentioned, is there are some other models from  
23 other industries that have been successful in  
24 terms of local programs for, you know, obviously  
25 not geothermal production.

1           You know, off the top of my head, you  
2 know, the FAA, the Federal Aviation  
3 Administration, they have a similar kind of a  
4 program to address disadvantaged communities in  
5 the projects that they deal with, which is  
6 obviously airports. There, the major issue is  
7 noise. And they have an abatement program to  
8 address that specific issue of noise caused by  
9 the various projects approved requiring FAA  
10 approval.

11           And so using that as an analogy for this  
12 area, I think, again, going back to being  
13 proactive, identifying the key resources that  
14 inevitably are impacted by this sort of  
15 operation. And providing a mechanism to not only  
16 monitor but also correct those issues that have  
17 an acute impact on disadvantaged communities.  
18 This is something that definitely needs to lead  
19 up, work in the up-front stage, and to make sure  
20 that whatever projects that come forward, whether  
21 streamlined or otherwise, is going to abide by  
22 those abatement program or another sort of  
23 mechanism to ensure that those acute issues that  
24 really effect disadvantaged communities are  
25 addressed in an equitable and timely way.

1           And so my suggestion, again, would be  
2 taking a hard look of -- at those impacts that  
3 these sort of projects can pose, not only  
4 drafting BMPs and best practices, but also having  
5 some sort of mechanism that can address those  
6 impacts when groups are impacted. Again, that's  
7 the FAA's Noise Abatement Program. And I think  
8 that's a good model that's been effective.

9           CHAIR PAZ: Thank you. I don't see any  
10 other questions but I do want to uplift a few  
11 things that I heard -- oh, and then I saw -- I'll  
12 go back to you Ryan, Commissioner Kelley, in  
13 minute.

14           I do want to uplift some of the things  
15 that I heard being raised from the panel that I  
16 think, as a Commission, we need to explore more.

17           The first is how it is that we are going  
18 to be holding the tensions that were mentioned,  
19 because those tensions around the possibility of  
20 creating more energy-efficient industry and the  
21 possibility of jobs does exist, even in our local  
22 communities; right? I think that's what we're  
23 grappling with, at least some of us Commissioners  
24 who are on the ground with questions from the  
25 community about, you know, what kinds of jobs?

1 What does it mean? What's the impact to the  
2 environment?

3           And we -- as was mentioned by our  
4 Panelists who have expertise in their areas, they  
5 are still lacking information in terms of what it  
6 means for the Salton Sea? We have been told that  
7 it's different, that the impacts are -- you know,  
8 that we're more environmentally friendly at the  
9 Salton Sea than in Chile, but we still haven't  
10 come up with anything tangible or alternative  
11 information that the community can rely on. So I  
12 think we need to address that, not just for the  
13 community but, also, as we are engaging the  
14 legislature in these conversations.

15           And, ultimately, the question around  
16 whether -- you know, what if the community  
17 doesn't want this; right? And I don't know that  
18 that has been a question that has been asked of  
19 our community. We are already -- there's a lot  
20 of investment already in some of these pilot  
21 projects.

22           So, again, it's an interesting question  
23 to hold. And, if anything, in our role as Lithium  
24 Valley Commission members, to be able to uplift  
25 some of these things to the legislature, I think

1 that's the minimum that we can do.

2           So I will ask Ryan, Commissioner Kelley,  
3 you have your hand up?

4           VICE CHAIR KELLEY: Yes. Thank you,  
5 Silvia.

6           So my question kind of got lost. And I  
7 wondered if any of the presenters had a knowledge  
8 of what's occurring in Imperial County? Because  
9 we have been inclusive and inviting anyone  
10 willing to participate, initially industry,  
11 county, cities, community-based organizations,  
12 nonprofits, and we're having these conversations.

13           I appreciate the idea of a community  
14 benefit. And that was originally brought up from  
15 the initiation of our local conversations about a  
16 severance tax, a levy, or a fee that had a direct  
17 community benefit to the areas and the entire  
18 valley.

19           But I'm interested to know if you're  
20 aware of it and if you want to participate in it?  
21 It is open to all and ideas are shared. We're  
22 formulating that. And we are moving towards a  
23 specific plan for the entire area. So a  
24 programmatic EIR would be part of that. And we  
25 would address the hazards are we know them,

1 potential other industries as we understand them,  
2 and trying to put something into a master plan  
3 for the area as we understand it today.

4           Of course, there will be issues that we  
5 cannot conceive of at the moment, but I think  
6 we're moving, in what you have spoken about. But  
7 I'm certainly not -- as I expressed about the  
8 Salton Sea DRECP solar tax exemption, I'm leery  
9 of having the state broker that for us.

10           So I ask the Panelists, if you're  
11 interested, please join.

12           MS. DELFINO: So this is Kim Delfino.

13           So, Commissioner Kelley, no, I wasn't  
14 aware of Imperial County's efforts. And I'm  
15 really, actually, quite glad to hear that the  
16 county is moving forward proactively. And I,  
17 actually, would like to know more, and I'll  
18 research it and I'll contact you.

19           And I just want to clarify my comments  
20 with respect to the, you know, DRECP, and it  
21 wasn't intended to say that the state should come  
22 in and tell the county or the locals how to plan.  
23 I actually was pointing more to the grants that  
24 were being offered that came later to help  
25 provide financial support to the counties to be

1 able to do their own planning on the renewable  
2 energy side of the house.

3           And, you know, because I actually think  
4 that the state should be contributing to this  
5 effort because the state is asking the community  
6 to, you know, take on another industrial use to  
7 an area that's already been heavily impacted by  
8 industrial use for to produce a benefit that is a  
9 benefit that would be shared by all of us in the  
10 effort to fight climate change. So you know, in  
11 that sense, I do think if the state wants to  
12 become a leader, it should put some skin in the  
13 game, in addition to asking communities to do so  
14 as well.

15           So that's all I was trying to say.

16           VICE CHAIR KELLEY: Agree.

17           CHAIR PAZ: Okay. Commissioner Olmedo?

18           COMMISSIONER OLMEDO: Yeah. Thank you,  
19 Madam Chair.

20           I had posted something in the chat but I  
21 was reminded that maybe not everyone is watching  
22 and the most formal manner of putting it is  
23 verbally, so I'll just read it here. It's one of  
24 the things -- Jordan's first comment earlier, but  
25 I may have made my question earlier easier by



1 stating that inequities exist at all levels and  
2 lack of capacities at all levels. And the very  
3 bottom of the disadvantaged, most severely  
4 disadvantaged, are the population that is not  
5 either -- that is either not represented  
6 politically, economically, civically, and has  
7 many more barriers than anyone at the negotiating  
8 table that benefit -- at the negotiating table or  
9 that benefit from the negotiation table.

10           The other comment that I had made is I  
11 just wanted to thank the panel for all their  
12 experience and knowledge and cautionary advice  
13 that they bring to the Lithium Valley Commission.  
14 And I just want to encourage you to continue to  
15 enlighten us and continue to share with us as we  
16 continue to build our knowledge and our expertise  
17 across the board so that we can put together a  
18 report that would bring forward, you know, many  
19 opportunities and many precautions that should be  
20 taken moving forward.

21           Thank you, Madam Chair.

22           CHAIR PAZ: Thank you.

23           In that spirit, Commissioner Guzman-  
24 Aceves, if you can also please read your -- the  
25 comments that you made on the chat, please?

1           COMMISSIONER GUZMAN-ACEVES:    Sure.   And I  
2 apologize.   I didn't realize it was not the  
3 public chat.   I'll put it in the Q&A moving  
4 forward.

5           Just part of the conversation about  
6 examples, I know just here in California down in  
7 the Riverside area, Morongo recently formed a  
8 partnership with another private enterprise to  
9 build a transmission line.   And I was just giving  
10 it as an example, Morongo Transmission, LLC, of a  
11 different ownership model.   And you know,  
12 throughout the country, and even here in  
13 California, there are different ownership models  
14 for many things related to electricity.   And  
15 transmission, you know, is often publicly owned  
16 and built in other parts of the country.   You  
17 know, most -- IID has publicly-owned  
18 transmission.

19           So this is not -- it's not that far of a  
20 concept, you know?   And there's many public-  
21 private partnerships when it comes to ownership  
22 models.   So I just wanted to share that when the  
23 question was coming up earlier.

24           CHAIR PAZ:   Thank you.

25           I do not see any other questions or hands

1 up.

2           So, again, we want to thank Sylvia  
3 Chavez, Councilmember from Calipatria, for being  
4 our moderator, and all the panel participants.

5

6           This concludes our Q&A section and we will  
7 take a five-minute break, if that's okay with  
8 everyone, before we move on to the next panel?  
9 Okay. And we'll come back at 3:30. Thank you.

10           (Off the record at the 3:23 p.m.)

11           (On the record at 3:31 p.m.)

12           CHAIR PAZ: Okay, we will get started  
13 with our second panel that is focusing on  
14 environmental planning. And it's being moderated  
15 by Melinda Dorin from the Department of Water  
16 Resources.

17           So, Melinda, if you can turn on your  
18 camera and un-mute yourself? And you can go  
19 ahead and introduce the panel.

20           MS. DORIN: Thank you. Thanks for having  
21 me this afternoon.

22           So just to introduce myself first, I do  
23 manage the Environmental Permitting and  
24 Compliance Program for the Salton Sea Program at

25 DWR. And, of course, it takes a lot of people to

1 work through these permitting process, though, so  
2 we have a team of people that I work with in  
3 order to do that.

4           So the three sort of -- the way we look  
5 at the process is we have three major programs  
6 within the Environmental Compliance that we're  
7 working on right now. First is a programmatic  
8 approach to NEPA and federal permitting for the  
9 SSMP Ten-Year Plan, and that's 30,000 acres of  
10 projects. And so we're going through -- that a  
11 big programmatic NEPA and permitting process.

12           We also have a smaller project which is  
13 vegetation enhancement, and that's three sites on  
14 USBR land. And so, for that, it's three sites  
15 together but it's permits that some of them are  
16 individual to the site and some of them are  
17 collective, and so we're working with USBR on  
18 that. So there's federal permitting and there's  
19 both NEPA and CEQA compliance that goes along  
20 with that.

21           And then we're also doing compliance on  
22 the Species Conservation Habitat Project, so that  
23 is a project where we have existing permits. And  
24 the permits were received prior to a developer --  
25 a contractor being chosen to build the project.

1 And so as the project was designed, we needed to  
2 both modify some of those projects, so we worked  
3 with agencies, and then for the -- sorry, modify  
4 some of those permits. And then, also, we are  
5 doing compliance with the permits, and so it's  
6 working with both construction management and the  
7 contractor in order to do that work.

8           So we have different projects in  
9 different stages. So I just wanted to say that I  
10 come at this from that background.

11           And then, also, on a project level, so as  
12 things come up, of course, we address things  
13 through our CEQA and NEPA process, as well as  
14 reviewing projects with agencies to determine  
15 what permits are needed.

16           So with that short introduction of me, I  
17 welcome the panel. We'll have an opportunity for  
18 each of the Panelists to introduce themselves,  
19 like they did at the Community Panel before this  
20 one. And then we'll be followed by the moderated  
21 question and answer session, and questions from  
22 the Commissioners, as well as from the public.  
23 So we'll follow the same framework that we did  
24 for the last panel.

25           With that, I'd like to introduce the

1 panel. So before us this afternoon we have Mary  
2 Akens, who is an attorney with Department of  
3 Water Resources, Tanya Marshall, who is with  
4 Department of Fish and Wildlife, Kyle Dahl, who  
5 is with U.S. Army Corps of Engineers, and Israel,  
6 who is with the Imperial County Air Pollution  
7 Control District.

8           And with that, I'd like to introduce Mary  
9 to kick us off.

10           MS. AKENS: Hi. Thank you, Melinda.

11           Thank you, Chair Paz and Members of the  
12 Lithium Valley Commission. My name is Mary Akens  
13 and I'm Senior Staff Counsel at the Department of  
14 Water Resources. I'm also the Lead CEQA  
15 Attorney. Thank you for inviting me to speak  
16 today on CEQA. If I have time, I'll also talk  
17 about NEPA.

18           I must first start by saying that any  
19 views, opinions or thoughts I make I make  
20 independently and do not reflect the views,  
21 opinions or thoughts of Department of Water  
22 Resources. I also need to mention that any  
23 views, opinions or thoughts I make shall not be  
24 construed as legal advice. And I certainly do  
25 appreciate being invited here as a guest.

1           I was asked to provide a brief overview  
2 of CEQA. And I've been listening to the panels --  
3 or the Panelists, and it looks like everybody is  
4 super savvy with CEQA, so I hope this is helpful  
5 to you all. I thought what I would do is  
6 summarize CEQA's general concepts, goals, and  
7 purposes, and then talk about public agency goals  
8 and responsibilities. And if there are any  
9 questions, or if you want me to dive a little  
10 deeper, you can certainly let me know.

11           So the primary goal for CEQA in the most  
12 basic sense is for protection of the environment.  
13 Two broad purposes of CEQA is to prohibit  
14 agencies from approving projects with significant  
15 environmental effects if there are feasible  
16 alternatives or mitigation measures that can  
17 substantially lessen or avoid those effects, and  
18 provide information to decision makers and the  
19 public concerning the environmental effects,  
20 proposed and approved, activities.

21           CEQA is about public information,  
22 disclosure, and participation. Whether large-  
23 scale or small-scale, a project may have several  
24 interested public agencies that may have some  
25 sort of decision-making role. The lead agency is



1 the public agency responsible for carrying out  
2 the project. If more than one agency meets the  
3 lead agency criteria, then the agency that will  
4 act first will be the lead agency. When more  
5 than one public agency is involved in a project,  
6 the agency that shoulders primary responsibility  
7 for creating and implementing the project should  
8 be the lead agency.

9 Additional public agencies may also be  
10 involved, for instance, responsible and trustee  
11 agencies. The responsible agency typically has  
12 permitting authority or approval power over some  
13 aspect of the overall project which a lead agency  
14 is conducting CEQA review. Often times, we find  
15 this with permitting authority, for instance.

16 The responsible agency has two sets of  
17 responsibilities under CEQA. Responsible  
18 agencies must respond in a timely fashion to lead  
19 agency requests for information and provide  
20 comments focused on the appropriateness of the  
21 environmental document, any shortcomings or  
22 additional alternatives or mitigation measures  
23 that should be included in the environmental  
24 document to ensure -- so that the responsible  
25 agency can ensure that it has the information it

1 needs in order to complete its second responsible  
2 which is to act or approve its part/portion of  
3 the project, which might be, you know, for  
4 instance, a permit.

5           The trustee agency is a state agency with  
6 jurisdiction by law over natural resources that  
7 are held in trust for the people of the state of  
8 California and that may be affected by a project.

9           For instance, the California Department  
10 of Fish and Wildlife is the trustee agency over  
11 fish and wildlife, to designated rare or  
12 endangered native plants, and to game refuges,  
13 ecological reserves, and other areas administered  
14 by the Department. The lead agency is required  
15 to notice trustee agencies of the proposed  
16 project and to consult with the trustee agency.

17           Areas of the CEQA process that provide  
18 opportunities or requirements for public agencies  
19 to be involved include but is not limited to  
20 scoping and consultation, notices, reviewing and  
21 commenting on the draft document, participating  
22 at public hearings if one is -- if the lead  
23 agency decides to hold one.

24           And additional areas within the general  
25 CEQA process provides opportunities for robust

1 public and public agency participation, at least  
2 with respect to an EIR. For instance, Mr.  
3 Sisson, I think spoke about this a little bit,  
4 about the importance of the process.

5           And for EIRs, for instance, we have  
6 scoping and consultation, we have notices, we  
7 have public review and comment. We have agency  
8 consideration of the comments, a public hearing  
9 if the agency decides to have one. Then, with an  
10 EIR, the agency will also respond to the  
11 comments, will decide whether changes need to be  
12 made to its project based on those comments.  
13 And, in fact, at least ten days prior to  
14 certification of the environmental document, the  
15 EIR, just respond to the public agencies with  
16 their draft responses to the their comments so  
17 that the public agencies are aware ahead of time  
18 what their responses or draft responses will be.

19           Then we have the final EIR. We have  
20 certification. We have the findings, a Statement  
21 of Overriding Consideration, if necessary,  
22 mitigation, monitoring and reporting programs,  
23 and then, ultimately, a project decision.

24           So I think I'll stop there. I think I'm  
25 already within my five, but I can certainly talk

1 about NEPA roles, as well.

2 Thank you so much, Chair Paz and Members  
3 of the Committee -- Commission.

4 MS. DORIN: I might just ask you to  
5 answer that in a question, Mary, if it comes up  
6 with NEPA, so we'll do that then.

7 Next up we have Tanya Marshall with  
8 Department of Fish and Wildlife.

9 MS. MARSHALL: Hi everybody. I am Tanya  
10 Marshall. And I am the Acting Salton Sea Program  
11 Manager for CDFW, otherwise California Department  
12 of Fish and Wildlife. I have worked 30-some-odd  
13 years, it's been that long, in the environmental  
14 planning field, and 14 of those years have been  
15 with the state. I have worked at Caltrans as a  
16 supervisor within CDFW for both habitat  
17 conservation planning and, also, for a renewable  
18 energy program. I've also worked in jobs that  
19 were not for the state, and this would include  
20 Edison as a Program Manager in their Renewable  
21 Energy Program, and also as a consultant for a  
22 very large renewable energy company.

23 I have been in the desert, done all of  
24 this within the desert. I am a desert lover, and  
25 I am a desert dreamer, so I love the

1 environmental process. I truly do. I love  
2 talking about it. I love explaining it because  
3 it's sometimes very difficult. And I love to  
4 break it down into simple steps in simple ways  
5 that everybody can understand, but it hasn't  
6 always been this way.

7           When I graduated from UCR and I started  
8 my career as a conservation biologist, the  
9 leaders and mentors that I had said that we're  
10 supposed to draw a line in the sand, it's us and  
11 them, environmentalist and developer, and get  
12 ready for a battle for the environment. So I  
13 came to meetings with a shield and a sword, ready  
14 to fight.

15           We sometimes have a tendency to think  
16 when something is complicated or we don't  
17 understand it, or we hear a lot of negativity  
18 about it, that the whole process is negative or  
19 bad. And as a society we seem to think of that  
20 when we say environmental planning. But how many  
21 of you have every, you know, heard an expert  
22 talk about driving or parenting and said that  
23 expert doesn't know everything? None of us know  
24 everything. We just know a little bit and we do  
25 the process accordingly.

1           That's what I love about environmental  
2 and about this process and discussing it. CEQA  
3 and NEPA definitely have black and white areas,  
4 but there's a lot of gray in between. And in  
5 that gray there's great opportunities and chances  
6 to really change the way we do things or to  
7 explore new ways and to communicate with those.

8           So I'm just here to say that over my 30  
9 years, I've really seen, the projects that have  
10 gone through have always had a basis of, and this  
11 is cliché, good communication. Why? Because  
12 that's what the environmental process is for, so  
13 we can all communicate with each other.

14           So I'm just happy to be here and to be  
15 able to explain this. But I also would like  
16 people, when they're listening to this, to  
17 understand that what we bring to it, bring to the  
18 conversation, we need to put down our shields and  
19 actually start to listen to each other and  
20 understand what the other person is saying.  
21 Because positive communication is going to get us  
22 through this much easier than a whole bunch of  
23 negative, that's never going to happen, we can't  
24 do that, and to start to think of that way,  
25 because that's really what this environmental

1 process is for, everyone involved.

2 So, again, my name is Tanya Marshall.

3 And I'm so honored and pleased that the Lithium  
4 Valley Commission has requested that we talk  
5 about this subject today. Like I said, I'm so  
6 excited about that. Thank you.

7 MS. DORIN: Thanks Tanya.

8 Okay, next we have Kyle with Army Corps  
9 of Engineers.

10 MR. DAHL: Hi. Good afternoon, folks.  
11 This is Kyle Dahl. I work for the U.S. Army  
12 Corps of Engineers for our Regulatory Division  
13 for the Los Angeles District. And I'm the Section  
14 Chief for the San Diego and Imperial County  
15 Section, so my office has oversight over  
16 activities in San Diego and Imperial Counties,  
17 but we're out of the Los Angeles District, so we  
18 have an office in Carlsbad, but our headquarters  
19 is out of Los Angeles.

20 Just for reference in terms of Corps  
21 structure, just so folks know because we get a  
22 lot of questions about this, at a very large  
23 scale there's sort of two wings within the Corps.  
24 There's the Civil Works side which are the ones  
25 that plan and implement projects that are funded

1 by congressional funds, and then there's the  
2 Regulatory Division. And I work for the  
3 Regulatory Division, so I know there's been  
4 conversations with folks from our Civil Works  
5 Program with various agencies over the years, but  
6 I work for the Regulatory side.

7           And so our responsibility is for  
8 implementing section 404 of the Clean Water Act,  
9 and section 10 of the Rivers and Harbors Act .  
10 So we deal -- most of the coastal issues are  
11 covered under both. Most of the projects out in  
12 this region are covered just by section 404 of  
13 the Clean Water Act. And so, specifically, we  
14 regulate discharges of dredged or filled material  
15 within Waters of the United States. The Salton  
16 Sea is -- of course, falls under that category.

17           So just, again, from a high scale, we  
18 generally have two types of permits we issue for  
19 discharges into Waters of the U.S. Those are  
20 general permits which are for smaller projects  
21 with minimal impacts to water resources. And  
22 then individual permits, and those are for larger  
23 projects, more complex projects. And then some  
24 of the requirements that we have to work through  
25 decision include consultation under Endangered



1 Species Act, section 106 of the National  
2 Historical Preservation Act, and there are some  
3 others. Those are generally the two most common  
4 ones that we interact with, with resource  
5 agencies on.

6           For our larger permits, we have some  
7 additional review requirements. I think the  
8 biggest thing for that would be an alternatives  
9 analysis, and so we're looking at these larger  
10 projects, these more complex projects. We're  
11 asking for our applicants to provide an  
12 evaluation as to what other practicable  
13 alternatives there are out there that would  
14 reduce impacts to Waters of the United States,  
15 and other factors as well.

16           And then as we talk about alternatives,  
17 we're looking at -- we're always looking at  
18 mitigation. And so we don't go straight to  
19 compensatory mitigation, which I think a lot of  
20 people kind of focus in on. We actually have a  
21 hierarchy that we're required to kind of work  
22 through. The first is avoidance. And so this  
23 all kind of harkens back to that alternatives  
24 analysis. We're trying to avoid impacts to  
25 waters to meet the project purpose and need. The

1 second step is minimization. And then the third  
2 is compensation.

3 And so we've been pretty active out in  
4 this region. We've been working extensively with  
5 DWR and CDFW on the SSMP Program. We've been  
6 working pretty extensively with IID for some of  
7 their dust suppression efforts. And then we've  
8 also been engaged with some of the geothermal  
9 entities out there, mostly related to some pilot  
10 projects but, also, related to some of the larger  
11 proposed production facilities.

12 So we've had a growing interest out  
13 there, involvement, probably over the last three  
14 years, I would say. And that looks like it's  
15 going to continue to ramp up. But we feel like  
16 we're pretty plugged in with the folks that are  
17 out there. We have a very extensive relationship  
18 with the folks in DWR and IID. And so we try to  
19 get plugged in and aware of any issues that are  
20 going on out there. And we feel like that will  
21 continue with some of the geothermal projects  
22 that are coming online.

23 Thank you.

24 MS. DORIN: Thanks Kyle.

25 MR. DAHL: Okay.

1           MS. DORIN:  And we have Israel Hernandez  
2 with the Imperial County Air Pollution Control  
3 District.

4           MR. HERNANDEZ:  Hi.  Good afternoon,  
5 Commissioners.  My name is Israel Hernandez.  I'm  
6 the Senior Air Pollution Control Engineer for  
7 Imperial County Air Pollution Control District.  
8 I have been part of the Air District team for a  
9 little bit over 12 years.  And in these 12-plus  
10 year, I have been part of permitting -- the  
11 permitting process for many projects by the Air  
12 District.

13           As part of that permitting process, the  
14 permitting engineers make sure that the project  
15 and many emission sources within that project  
16 comply with the local, state, and federal  
17 regulations.  Many of the project reviews -- or  
18 the focus of the project reviews is on potential  
19 emissions for facilities.  Depending on these  
20 potential emissions, there's a certain number of  
21 thresholds or requirements that are -- that these  
22 emission sources have to comply with, and that's  
23 part of that -- part of our review.

24           And another aspect of the reviews is  
25 pretty much that we do communicate extensively

1 with the California Air Resources Board, and also  
2 Region 9 of the EPA.

3 I think as far as an introduction, I  
4 think that would be it. I'll wait for some -- if  
5 there's any questions as far as during the  
6 question portion of the presentation.

7 MS. DORIN: Thanks Israel.

8 So we'll go to moderated -- there we  
9 go -- moderated discussion. I have a few  
10 questions for the panel.

11 So I'm going to start Tanya. You  
12 mentioned permitting processes. And we also just  
13 heard about trustee agencies from Mary. So I  
14 guess a two-part question for you.

15 One, when does CDFW ask as a trustee  
16 agency? And how does that relate to permits  
17 versus CEQA?

18 And then what permits does CDFW normally  
19 issue for -- not normally, but what are the  
20 permits that would be within CDFW's purview to  
21 issue?

22 MS. MARSHALL: Okay. I hear those  
23 questions and I'm going to try to answer them as  
24 concisely as possible.

25 The trustee agency means that we're

1 working with the wildlife and the plants and  
2 animals within the state of California. And  
3 the -- sorry, I'm checking my notes here. The  
4 definition, you know, is a person or a member,  
5 that we have the authority over this species and  
6 plants and water-related impacts as they relate  
7 to species, so that's where come -- we can come  
8 in. But we can come in, also, as a responsible  
9 agency where we have permitting. So there's two  
10 different areas that CDFW could come in, as a  
11 trustee or as for permitting purposes.

12           Within the permitting purposes there are  
13 usually two channels that it comes through. So  
14 we have CESA, which is the California Endangered  
15 Species Act, and we have the Lake and Stream  
16 Alteration Agreement Act, so the -- which --  
17 excuse me. The CESA goes to an ITP, which would  
18 be an Incidental Take Permit, and this is  
19 specific for species. This is specific for  
20 animal impacts. And this is specific for animals  
21 that are listed. And there's different listing  
22 of animal species.

23           So within CDFW, we have fully protected,  
24 we have threatened and endangered, we have  
25 species of special concern, and some species that

1 are protected under the Fishing and Game Codes.  
2 The incidental take process is actually  
3 identified in section 20 -- Fish and Game Code  
4 section 2080. And it is how you actually get an  
5 incidental take permit from the state. And what  
6 that does is allow you to do your project and  
7 have take of that species, and take is a defined  
8 term within that.

9           And just to note that the federal also  
10 has that, Federal Endangered Species Act. It's  
11 similar but not the same as within CESA and with  
12 getting an Incidental Take Permit.

13           The Lake, Streambed, and Alteration  
14 Agreement, also known as, you know, people will  
15 say, LSAA or an SSA, Streambed Alternation  
16 Agreement, this is when you're impacting a bed,  
17 bank and channel, when your project is impacting  
18 it. It does not necessarily mean that there's  
19 water in those but it is when you are impacting  
20 that. It's also some other areas such as  
21 riparian and wetlands. This is all dependent  
22 within CDFW that you're also impacting a species,  
23 you know, how it relates to the actual species.

24           So it's very important within those  
25 processes to know what your direct/indirect

1 impacts will be and exactly what you'll be doing  
2 for your projects. So that was just discussed a  
3 little bit in the other panel who stated that, up  
4 front, it's very important to know what you're --  
5 where you're going and identify all of the  
6 project details.

7 I think I answered that, Melinda. Is  
8 there a part that I did not?

9 MS. DORIN: I think that's a great start.  
10 Thanks Tanya.

11 MS. MARSHALL: You're welcome.

12 MS. DORIN: So the next question is for  
13 Kyle. So what are your agency environmental  
14 justice and equity efforts related to either NEPA  
15 or just as your agency policy?

16 MR. DAHL: Sure. I'd be glad to answer  
17 that.

18 So it is a factor within our Joint  
19 Decision document. So the Corps Regulatory is a  
20 little unique because we have -- instead of just  
21 going NEPA, we have a joint document which covers  
22 NEPA, our public interests of requirements, and  
23 then section 404(b)(1), which is that alternative  
24 analysis that I spoke about earlier. So the  
25 intent of that Joint Decision document is to

1 capture all three of those requirements to  
2 document our decision.

3           And one of the factors that we look at is  
4 environmental justice. It's become more  
5 prevalent over the last probably five years or  
6 so. We had a recent team at headquarters really  
7 start diving into some of the EJ issues and kind  
8 of peeling that apart a little bit. And so --  
9 and that's more relevant to our individual  
10 permits that we're issuing. Those are those  
11 projects that involve -- that are either more  
12 complex or involve higher levels of impacts to  
13 Waters of the U.S. that triggers more enhanced  
14 evaluation. And so one of those factors, like I  
15 mentioned, would be environmental justice.

16           Thank you.

17           MS. DORIN: Thank you. And so that's  
18 looked at for any time the federal agency would  
19 be doing any NEPA process permitting or any NEPA  
20 document?

21           MR. DAHL: It would be, correct, because  
22 our general permits are, especially our  
23 nationwides, are authorized at the national  
24 level, and so they do NEPA up front. So they  
25 look at EJ as part of that issuance.



1           But in terms of doing what I'll call a  
2 project-specific EJ evaluation, those would be,  
3 mostly, more focused in on those projects that  
4 required an individual permit for the larger  
5 impacts.

6           MS. DORIN:   Okay.   Thanks or clarifying  
7 that.

8           MR. DAHL:    Yeah.

9           MS. DORIN:   Okay.   So, Israel, I have a  
10 question for you.   Let's see.   What commitments  
11 and requirements do you have, or does your agency  
12 have, in oversight and response to the community  
13 regarding environmental impacts, so as someone  
14 from a local agency addressing air quality?

15           MR. HERNANDEZ:  As part of pretty much --  
16 I'm part of the Permitting Department.   And one  
17 item that we look at during an actual local  
18 permit of any facility is, pretty much, that we  
19 look at the facility's emission sources.   And we  
20 have rules that pretty much state that if there's  
21 certain emission thresholds for those emissions  
22 units, then we have to -- the facility has to  
23 apply best available control technology to those  
24 emission sources.

25           And as part of the permit conditions, we

1 pretty much specify conditions that -- we impose  
2 conditions limiting those emission sources. And,  
3 also, many of those, we actually -- they actually  
4 have to control -- or conduct emission source  
5 testing for those sources that we verify, pretty  
6 much on a yearly basis, that they're meeting or  
7 they're below their emission thresholds or  
8 emission -- their permit condition thresholds.

9           A little bit more into what's done  
10 locally, it's pretty much that when we have  
11 another part of our engineering review or review  
12 of the project is that we actually have to  
13 conduct a conservative health assessment using  
14 procedures from AB 2588, which is the Air Toxics  
15 "Hot Spots" Act. There's certain steps that the  
16 Act tells the Air District that have to be done  
17 as part of a review.

18           The first step is to actually prioritize  
19 the facility is doing this conservative health  
20 assessment. And if the facility is found to be  
21 like a high-risk facility, then a more refined  
22 health risk analysis is required from that  
23 facility. If that assessment shows that the risk  
24 is still high, then the facility needs to  
25 mitigate or needs to reduce those emissions or

1 toxic emissions to a level where it's not --  
2 where the risk is lower to the public health.

3 I don't know if I've answered your  
4 question. I think --

5 MS. DORIN: And then just to -- yeah, you  
6 did. Thanks Israel.

7 MR. HERNANDEZ: Okay.

8 MS. DORIN: And just as a follow-up  
9 question, are any of the reports that the Air  
10 District requires of a facility, those become  
11 public?

12 MR. HERNANDEZ: Yes, it's all public  
13 information. Yes.

14 MS. DORIN: Great. Just a time check,  
15 how we are doing on time? Should I ask another  
16 question or -- I'm waiting for --

17 MS. MARSHALL: Well, while we wait for  
18 that, I want to stress that it's very important  
19 to have a solid CEQA document for any of the  
20 permitting process. The CEQA document is what,  
21 specifically, CDFW relies on to inform the  
22 permits and to have those. We need a solid CEQA  
23 document to actually process those and finalize  
24 those. And that includes identification of what  
25 is occurring, where you're going to be

1 mitigating. And all of the items that would be  
2 in a permit should somewhat be reflected or  
3 should be reflected within the CEQA  
4 documentation.

5           So it's very important that CDFW be in  
6 the conversation very early. And, in fact, I  
7 believe it's important for all of us, whether  
8 it's federal or state, to be in the conversation  
9 pretty early so that we can address any concerns  
10 while you're doing the projects. So always keep  
11 the end in mind while you're making the CEQA  
12 documents, is my recommendation.

13           MS. DORIN: I think to (indiscernible) on  
14 to that --

15           MS. DE JONG: To answer the question --

16           MS. DORIN: Oh, go ahead. Go ahead.

17           MS. DE JONG: Oh, sorry. Just to answer  
18 the question by the moderator, I believe that the  
19 panel can take another question for moderator  
20 discussion.

21           MS. DORIN: Thank you.

22           (Zoom Spanish channel begins transmitting.)

23           MS. DORIN: I have a follow-up question  
24 for Mary. And, Mary, we may need to rephrase  
25 this, but discussed earlier in the CEQA -- I

1 mean, sorry, in the Community Panel, there was a  
2 question about best management practices, and  
3 there was also a question about community  
4 benefits.

5           And related to best management practices,  
6 how does that fit into CEQA? And I think we  
7 heard a little bit from Kyle that avoidance is  
8 first, and then minimization, and then  
9 compensation when it comes to lands. And so I  
10 guess just from a CEQA perspective, do you have  
11 any thoughts on BMPs?

12           MS. AKENS: Thanks Melinda. I really  
13 appreciate the question.

14           In my opinion, BMPs are a great way to  
15 include environmental protection features into a  
16 project. There is some somewhat recent case law  
17 that provides guidance to lead agencies about  
18 ensuring that lead agencies don't use BMPs as  
19 taking the place of adequate impact analysis and  
20 mitigation responsibilities. But BMPs can  
21 definitely be helpful in framing the overall  
22 project description.

23           MS. DORIN: Thanks for that, Mary.

24           And I think what I'm hearing a little bit  
25 through this process, too, is that there's the

1 agencies that address impacts to lands and to  
2 species, but then there's also, as we heard in  
3 the Community Panel, the concern about community  
4 impacts and community health. And so there is  
5 public health sections in CEQA and NEPA. And I  
6 think that it seems like the permit structure is  
7 a little bit different depending, obviously, on  
8 the agency issuing the permit. So I guess I just  
9 wanted to note that, that we have a couple of  
10 different things that we lump into environmental.

11           So one other thing that came up earlier  
12 is the use of water in the lithium process. And  
13 the Regional Board isn't here on this panel, but  
14 there are permitting processes in place for water  
15 quality, and -- but there were questions about  
16 whether the water would be recycled and how it  
17 may affect the receiving sea?

18           Kyle, I don't -- can you touch upon  
19 wetlands and Waters of the U.S. and how it may  
20 relate to these projects? And then I think the  
21 Water Board component and the state waters, we  
22 may have to leave on the table since we don't  
23 have a representative from that agency, but --

24           MR. DAHL: Yeah, and that's a really good  
25 question. And I think I'll start by just saying,

1 you know, the resources in and around the Salton  
2 Sea are, as we all know, very unique. And so  
3 they're unique, not just physically but from a  
4 jurisdictional perspective, within the Corps'  
5 program.

6           And so we started efforts with the state  
7 and with IID, years ago now, to try to wrap our  
8 heads around where these types of resources would  
9 shake out in terms of our program. I think we  
10 have a pretty good handle on that now as we've  
11 delved through a lot of our technical information  
12 and done site visits and things like that, and so  
13 we have a good grasp of sort of the categories  
14 that would fall out. But, obviously, there's the  
15 sea itself, which is jurisdictional for the  
16 Corps. I mean, that's pretty cut and dry.

17           What gets a little bit more challenging  
18 is what happens on the exposed playas as the sea  
19 recedes? And so what we've seen, and you folks  
20 might be aware of, is as the sea recedes and  
21 there's freshwater drains that, you know,  
22 basically fan out onto the playa, vegetative  
23 areas do pop up. And so many times those  
24 vegetative areas meet our classification for  
25 Wetland Waters of the United States. And then

1 sometimes the drains, as they extend out into the  
2 sea, can meet our definition of Non-Wetland  
3 Waters of the U.S., and so it's very much site-  
4 specific.

5           We and the consultants for any of the  
6 applicants or parties take a really hard  
7 technical look at those things. And there's a  
8 whole process established by  
9 Corps Standards, our wetland delineation manual,  
10 we have some supplements that go along with that,  
11 but the evaluation into those things is extremely  
12 technical.

13           But I will say that I think working with  
14 some of the agencies, we're in a much better  
15 place to review those sorts of things and provide  
16 clarity and context where those are captured  
17 under the Corps' authorities.

18           MS. DORIN: Thank you for that.

19           MS. MARSHALL: Do I have a little time --

20           MR. DAHL: Sure.

21           MS. MARSHALL: -- to go on to Kyle?

22           For the CDFW, we have the Lake and Stream  
23 Alteration Agreement, which would be dealing with  
24 waters. But I just want to make clear that  
25 there's, actually, two processes to this.



1 There's the U.S. state impacts, and the U.S. --  
2 Waters of the State and Waters of the U.S., and  
3 the impacts are different, the definitions are  
4 different, and that has to be very clear when  
5 you're doing permitting. There are different  
6 permitting entities, like Army Corps, Regional  
7 Water Quality Board, CDFW, we all have our  
8 separate processes that we go through.

9           Specifically for CDFW, our water resource  
10 concerns are for habitats and species that are  
11 out there, specifically listed in the potential  
12 status species -- special status species. So  
13 it's very important, when you're evaluating this,  
14 to understand that each department has their  
15 own -- or each agency has their own process. And  
16 even though those processes may be similar, there  
17 are some differences to them.

18           And so if you are going for an Army Corps  
19 of Engineers permit, like Kyle was speaking  
20 about, you might still be going for a Lake and  
21 Streambed Alteration Agreement but what you have  
22 to evaluate may be very different.

23           MS. DORIN: And thank you for that,  
24 Tanya. And I think that goes to thinking about  
25 what the definition of water is, whether it's the

1 wastewater or -- and reviewing which agencies may  
2 be issuing permits for those types of activities?  
3 And for the state, sometimes they can tier -- for  
4 the State Water Board or the Regional Board, they  
5 can tier off of a Corps permit, and then they  
6 also have their own permitting process. But I  
7 think it would be understanding the water source  
8 and the wastewater stream and whether there's  
9 regulations that oversee how that water is  
10 addressed, so --

11 MS. MARSHALL: And specifically for CDFW,  
12 we do -- we are concerned with the water. We  
13 also are concerned with the species and how the  
14 processes of the project will impact those actual  
15 species that are around the Salton Sea. And we  
16 don't have time to discuss all the potential  
17 candidate species and listed and fully listed and  
18 all of those different definitions. But we're  
19 looking at it specifically for how it will impact  
20 the actual species in the areas, so it's a little  
21 different than how other water agencies that are  
22 looking at specific global (phonetic) water.

23 MS. DORIN: Thanks for that.

24 And I guess one last comment from my  
25 perspective. We've discussion a lot, too, about

1 infrastructure and project design, how that  
2 relates to CEQA. And for a project -- and in my  
3 experience working with DWR, as well as other  
4 agencies, all of the infrastructure, whether  
5 that's pipelines or additional roads or -- that  
6 all gets addressed with the project. And so  
7 having a good project description for a project  
8 is really important, both for CEQA and to be able  
9 to analyze all of the impacts and the mitigation  
10 and the permits that go with that.

11           So I think there was an earlier question  
12 about whether new infrastructure would need to be  
13 built and how that gets addressed through the  
14 permitting process? And it should all be  
15 addressed together.

16           So that being said, I will turn it over  
17 to -- back over to the Chair to ask questions of  
18 the Commissioners.

19           CHAIR PAZ: Thank you.

20           Commissioner Colwell?

21           COMMISSIONER COLWELL: Yeah. Thank you.

22 I think that was a great panel. Thank you. And

23 I just wanted to, you know, really not so much

24 questions but the clarity, I mean. And I'm

25 hoping that this panel puts more clarity -- as

1 being one of the only two developers on the  
2 actual Commission here, and my friend Jonathan,  
3 you know, the process is very mechanical, very  
4 purposeful. It's open. It has community  
5 engagement. I think Tanya said it well, you  
6 know, it's all about communication here and  
7 getting things going. Yes, there are some  
8 technical aspects. As Kyle alluded to, you know,  
9 what is ag runoff versus what is actual, you  
10 know, (indiscernible) or whatever it is? So  
11 there's a process but we -- you know,  
12 communication is the key.

13 I know from CTR's point of view, we've  
14 been working, you know, wonderfully with all the  
15 agencies in our process. And I think some of the  
16 questions from the previous panel, again, was  
17 sort of not so specific or broader, but this  
18 process demonstrates there is a really rigorous  
19 set of steps that you have to adhere to, go to,  
20 and to get there.

21 You know, we're all building renewable  
22 energy and sustainable lithium. And, no, we're  
23 not putting waste into the sea. We're not doing  
24 things that might have been suggested in the  
25 previous panel. This clears it up beautifully,

1 so thank you for that.

2 That's all I wanted to say.

3 CHAIR PAZ: Thank you, Commissioner  
4 Colwell.

5 Are there any other questions from the  
6 Commission? I have a question.

7 You know, a lot of the conversation was  
8 around permitting. And permitting, for someone  
9 who doesn't have to seek those permits, can be  
10 very confusing. And a question that we are  
11 hearing from community members is who gives the  
12 green light for these projects; right? And I  
13 don't know if there's a simple way of answering  
14 that question because it seems that there's  
15 multiple agencies involved in a permitting  
16 process.

17 But if there is a simple way, like how  
18 would you map it; right? Like if I am Rod and I  
19 want to, you know, permit my lithium project,  
20 what process would I follow? Where do I go? And  
21 who has to give me the green light?

22 MR. DAHL: Well, I would just make the  
23 statement that there's probably multiple levels,  
24 so there's local approvals, state approvals,  
25 federal approvals. Whenever I'm describing sort

1 of general regulatory context, that's typically  
2 how I do it.

3           And so in terms of at least for the  
4 Corps, many times with permitting, we might be  
5 the only federal agency that's taking action on  
6 something. And so for many of these the door  
7 that opens in the federal process is through the  
8 Corps' Regulatory Program.

9           But just explaining it from a very high  
10 level, I think it's important for folks to know  
11 that there's sort of multiple tiers. And they  
12 might overlap in terms of analysis. Like there's  
13 similarities between CEQA and NEPA but there's  
14 definitely differences that need to be taken into  
15 account. And so, like I said, there's overlap,  
16 but there's also some pretty important  
17 distinctions between those different tiers. But  
18 there's not, you know, at least in my opinion,  
19 there's not just one door you go in to get all of  
20 your entitlements for everything. Like I said,  
21 there's generally local, state, federal  
22 approvals.

23           MR. HERNANDEZ: I'd like to add a little  
24 bit on that, Chair Paz.

25           CHAIR PAZ: Thank you.

1           MR. HERNANDEZ: That's probably something  
2 that would have to be permitted in the Imperial  
3 County. Obviously, locally, we're -- the  
4 Imperial County Planning Department would be the  
5 lead, so that would have to go through their  
6 environmental review through the Imperial County  
7 Planning Department. Once that environmental  
8 review is completed, then that gives at least the  
9 Air District the go-ahead that it's -- they've  
10 gone through that review and they've accomplished  
11 their CEQA. So then that gives us the green  
12 light to actually issue, I guess, an authority to  
13 construct for a facility or for any project or  
14 for any facility, or actually start doing that  
15 review for a project.

16           MS. MARSHALL: So I would like,  
17 Commissioner Paz, to just explain -- or Chair,  
18 excuse me -- to explain the process at much of a  
19 higher level. I think what Kyle said is correct,  
20 and what Israel said is absolutely -- there's  
21 lots of permitting processes, but it is very  
22 confusing. And I think at this time we're  
23 talking about CEQA and CESA and we're throwing  
24 out these acronyms that are sometimes hard to  
25 understand.

1           So at the very top level would be a CEQA  
2 document. So if a person has a project, then  
3 they want to come in and have a lead agency that  
4 is going to be having that project -- this is --  
5 I'm making it very simple here.

6           And then within that document, they're  
7 going to figure out their impacts. So when they  
8 figure out the impacts, of the impacts that they  
9 potentially could have, then they have other  
10 permits that come off of that and they stem from  
11 whatever those impacts in that project  
12 description states are in there. And there's  
13 different local, federal, and state processes  
14 that they have to -- they may have to go through.

15           So you have your CEQA, and then you have  
16 your permits. And that's why I was stating that  
17 a CEQA document or a NEPA document is very  
18 important, those solid documents, to have that up  
19 front and to have that planning up front because  
20 those set the groundwork for good permitting  
21 throughout the environmental process.

22           MS. DORIN: And just to add to that, and  
23 Mary, correct me if I'm wrong, but depending on  
24 who has the regulatory authority to issue the  
25 permit would determine whether a state agency or



1 a local agency would be the lead under CEQA. So  
2 if it was up to a local county or a local agency  
3 to permit the project, they would serve as lead.  
4 But if within -- like the Energy Commission has a  
5 CEQA-equivalent process for permitting power  
6 plants; right? So depending on who has the  
7 regulatory authority and who holds the permit and  
8 the decision-making authority, they would be the  
9 lead agency. And then other agencies could be  
10 responsible or trustee agencies. So it just  
11 depends on whether that falls with a state agency  
12 or a local agency.

13 CHAIR PAZ: So if we can make this more  
14 relevant to the types of projects that, you know,  
15 we're all more familiar with that are happening  
16 at the Salton Sea? So who would be the lead  
17 agency, for example; right?

18 MS. MARSHALL: It really would depend on  
19 who, as Melinda said, who actually has the  
20 authority underneath there, the jurisdiction.  
21 And there's not just one entity that's going to  
22 have it. It could be Riverside County. It would  
23 be Army Corps. It could be -- and it could be  
24 both. So it depends, really, on the type of  
25 project. And I think Melinda might be able to

1 explain that a little better.

2 MS. DORIN: I actually don't know who --  
3 whether that's part of what the Commission is  
4 working towards, is who that falls -- which  
5 agency that would fall with. So DWR is doing  
6 restoration at the sea. But like it isn't within  
7 DWR's wheelhouse to permit those projects. And  
8 so -- and I know that there's tiering between  
9 geothermal and whether that's local or state.

10 So I think I don't know, actually, if  
11 that's still to be determined, is who permits and  
12 regulates the lithium part of those projects.

13 CHAIR PAZ: Thank you.

14 Rod?

15 COMMISSIONER COLWELL: Yeah. Thank you.  
16 Let me try to clear this up.

17 I mean, the current status, as Mr. Kelley  
18 mentioned earlier, I mean, up to 49.9 megawatts  
19 of thermal power is jurisdictional to the county.  
20 And arguably, now, maybe 99.9 megawatts, the  
21 county is looking to take jurisdiction of that.  
22 The county would have jurisdiction of any  
23 (indiscernible) whatsoever of the lithium  
24 facilities, it's just thermal power. If it's  
25 over either 49.9 or the 99.9, if that sort of

1 passes, that would be the California Energy  
2 Commission would have jurisdiction.

3           Now beyond that, of course, if you're in  
4 NEPA -- you know, the Salton Sea, and just say  
5 the Corps of Engineers have perceived and think  
6 that's a jurisdictional area, well, of course,  
7 then we're dealing with CEQA and NEPA, it may be  
8 just CEQA. So that decision and determination is  
9 really made, we believe, by the County of  
10 Imperial. The Planning Department would make  
11 that decision or, for example, if at our next  
12 stage we decide to build larger generators, 130  
13 megawatt generators, in our case, that would  
14 definitely be the Energy Commission. And then  
15 they would direct to the various agencies from  
16 there.

17           Thank you.

18           CHAIR PAZ: Thank you for clarifying  
19 that.

20           So Commissioner Olmedo?

21           COMMISSIONER OLMEDO: I thought I saw  
22 Commissioner Weisgall. I was going to change the  
23 conversation completely, so is that okay? All  
24 right.

25           CHAIR PAZ: Yes. Okay

1           COMMISSIONER OLMEDO: I just wanted to  
2 bring more of a general -- some general questions  
3 here.

4           You know, I know these -- and like the  
5 previous panel, I know they bring uncomfortable  
6 conversations about equity, about, you know, what  
7 is a just, you know, approach, too? And look,  
8 you know, I mean, if we don't talk about the  
9 inequities, we don't talk about the injustice,  
10 then we're just lying to ourselves and we remain  
11 status quo.

12           I was put here to uplift the voice of the  
13 disadvantaged and that's what I'm going to, you  
14 know, remain true to. We understand that a lot  
15 of the agencies have no policies whatsoever that  
16 in any way or any how are -- have any mandate  
17 obligation or legislative obligation, or even  
18 institutional obligation, to address the  
19 environmental justice issues, to address the  
20 disadvantaged issues, to address the public  
21 health issues. And we've seen that, you know,  
22 time and time and time and time again. There's  
23 also concerns that not all agencies communicate  
24 well with each other.

25           These things are going to be very

1 concerning when we vote. Why? Because we -- you  
2 know, I think there is a very clear desire and  
3 appetite that this industry is sustainable, that  
4 this industry brings the benefits that it's  
5 claiming it will bring. We have had geothermal  
6 here for, what, over half a century. You know,  
7 again, you know, it seems like we're right just  
8 now, we're starting these negotiations, you know,  
9 to expand beyond, you know, whatever agreements  
10 were there long ago or whatever grandfather  
11 agreements were there.

12           If that's the case, then we really need  
13 to make sure that the agencies, you know, at the  
14 state level, at the local level are, also, as  
15 there is this drive, you know, to get this  
16 industry off the ground.

17           And I'm not in disagreement. We need  
18 jobs. We need economic revenues. I'm not in  
19 disagreement with any of that. But how are we  
20 going to make sure that we change the narrative?  
21 How are we going to make sure that the  
22 disadvantaged population that has not received  
23 the equitable distribution of protections is at  
24 the table without slowing down?

25           You know, I guess, you know, that's the

1 other concern, we need to get going now. I  
2 imagine that a lot of these negotiations want to  
3 occur before, you know, more oversight, before  
4 more control, before more regulation comes in. I  
5 get it. If I was in business, I'd -- you know,  
6 maybe those are the forces that I want to make  
7 sure that I'm weighing cost benefits over.

8           But, ultimately, how is this planning  
9 process going to change over the historical, you  
10 know? Well documented disadvantaged communities  
11 are always sort of left with two options, put up  
12 and shut up or utilize legal strategies if that's  
13 all they have left. Because, again, a lot of  
14 times these CEQA processes, they're not --  
15 there's a lot of flaws in that process that do  
16 not address a lot of these issues proactively.

17           So, I mean, I just want to hear from the  
18 panel as to what's different today than before?  
19 Because we've already seen historically sort of  
20 the status quo approach to doing things. How is  
21 there going to be a way to expedite plans, to  
22 address the environmental impacts, to support  
23 this opportunity while addressing everything?

24           I know it's a big, tall ask but I just  
25 want to know what's different today. And, I

1 mean, it's open to all of you. And if  
2 Commissioners want to jump in, you know, because  
3 I know that there's probably -- they might feel  
4 that -- some of them might feel that they have  
5 answers, too, so -- but I wanted to start with  
6 the panel and see. I hope my question was  
7 understood. It's always such a large, you know,  
8 question that it's hard to summarize it.

9 MS. DORIN: Does anyone on the panel want  
10 to take a first stab at that, or I can?

11 MS. MARSHALL: I can.

12 MS. DORIN: Okay.

13 MS. MARSHALL: So I appreciate your  
14 candidness, Commissioner. And I'm sorry, I am  
15 terrible at reading names, so Olmedo? Let me now  
16 how it's said. Is that said right? Okay.

17 COMMISSIONER OLMEDO: Olmedo, yes.

18 MS. MARSHALL: Olmedo. There have been,  
19 in the past, no doubt about it. This process  
20 has, and let's just be frank, sucked for certain  
21 communities, for certain people doing the work.  
22 You know, that has occurred. We understand that  
23 and there's been a lot of changes.

24 As far as how it affects environmental  
25 justice, I can't speak to that portion. But as

1 far as the agencies speaking to each other and  
2 being able to work together, that has gotten much  
3 better. There's a communication now that we have  
4 between agencies, between the Corps, between  
5 state agencies and federal agencies. And we're  
6 trying to communicate better. We do have certain  
7 rules and regulations that are very different.  
8 And it is very hard to combine those but we try  
9 our best to get that done. And I think that by  
10 having these meetings and having this open  
11 communication is one way that we can do that.

12 I hope that answered your question,  
13 partly at least.

14 MS. DORIN: I think the other piece of  
15 that -- thank you, Tanya. I think that's  
16 accurate.

17 And not speaking for DWR here but in  
18 my -- in other roles that I've also had working  
19 it's also really -- and for DWR, it's important  
20 to bring stakeholders into the discussion. So  
21 it's not just the communication between agencies,  
22 it's also understanding what communities think  
23 the impacts are, and also having ideas from the  
24 communities about how those issues can be  
25 resolved. So it takes a lot of time for



1 community members to be involved and I think  
2 agencies understand that.

3 I think the other side of that is getting  
4 feedback that helps -- let's see. How to phrase  
5 it? I think getting feedback in a framework that  
6 allows for agencies to incorporate that feedback  
7 is well warranted; right? So, I mean, it's  
8 understanding. And I think the Community Panel  
9 did a good job, and even the letter, of outlining  
10 what the community concerns are. Well, those are  
11 things that agencies can take and look for  
12 answers for. And maybe the answers are hard to  
13 come back. And maybe some of them are easily,  
14 more easily, addressed.

15 But I think the stakeholder participation  
16 is definitely the other part of the conversation  
17 that's happening, so --

18 COMMISSIONER OLMEDO: Madam Chair, may I  
19 just follow up?

20 CHAIR PAZ: Yes. Go ahead.

21 COMMISSIONER OLMEDO: I just wanted just  
22 to acknowledge, you know, the history of the  
23 research and the inclusion of disadvantaged  
24 communities. We have a long way to go.

25 And a lot of times it's mistaken that if

1 we do equity right now, it means that we've made  
2 up for the historical inequities, and that's not  
3 the truth because an investment right now does  
4 not alleviate the disinvestment from historical.  
5 And I know we're talking different things here.  
6 But I think it's all relevant, whether you apply  
7 it to the law, whether you apply it to economics,  
8 whether you apply it to benefits, business, jobs,  
9 all of it; right?

10           But I do want to acknowledge the  
11 California Natural Resources Agency that, you  
12 know, a few years back there was, you know,  
13 nothing, hardly anything that even spoke to the  
14 disadvantaged, to the environmental justice, to  
15 even the public health, yet it was mandated to  
16 now address all of these issues and to be  
17 responsive to issues like the Salton Sea.

18           But I just want to use that as an example  
19 that I think one way to alleviate these tensions  
20 is, for just as quickly as we want to extract and  
21 we want to get this industry, that policies need  
22 to be aligned and to be fast tracked quickly to  
23 make sure that we modernize, you know, whatever  
24 we can, you know, within the agency, departments,  
25 whether it's at the local, state, and the

1 federal. And certainly, you know, at some points  
2 it might just have to go to the legislature, you  
3 know, and the Governor's Office, or the Federal  
4 Administration.

5 But certainly, you know, I think there's  
6 a lot that can be done right now, again, at the  
7 local level, federal level, state level to make  
8 sure that we're aligning these policies, at the  
9 same time that there's these expectations of  
10 taking advantage of sort of the opportunity right  
11 now; right?

12 I also want to acknowledge that I do  
13 feel, you know, when I have a lot of  
14 conversations with the industry, they're coming  
15 in with a different set of, you know,  
16 expectations and negotiating tools, and equity  
17 and justice. I do hope that all of that does  
18 come to fruition and it's not just, you know, let  
19 us in the door and then once we're in the day  
20 then, you know, all those expectations are off  
21 the table, you know? So I'm being very  
22 optimistic but again, you know, this is a great  
23 opportunity.

24 And I want to thank the panel for your  
25 wealth of knowledge that you brought to us today.

1 I appreciate it.

2 CHAIR PAZ: Thank you. I have a  
3 question.

4 In the previous panel, they mentioned  
5 lack of knowledge of information surrounding the  
6 technologies that are being used at the Salton  
7 Sea.

8 Several workshop ago we had a, you know,  
9 general overview of what the technologies are  
10 with the direct lithium extraction methods. And  
11 so far what I took away from that is that these  
12 direct lithium extraction methods are less  
13 environmentally damaging, have less environmental  
14 impact, which is great. But part of our mandate  
15 from the legislation for Lithium Valley  
16 Commission is to be able to put this report that  
17 is going to talk about the environmental impacts  
18 and the methods. And I think, right now, we're  
19 just scratching like the surface of very general  
20 terms.

21 So my question is how -- who is either  
22 monitoring, for example -- and we're probably  
23 early, and we're still in the pilot phase; right?  
24 But what kind of data is being gathered? Who's  
25 gathering? Like how can we go in deeper so that

1 when we do present our findings to the  
2 legislature, we can come with more specifics  
3 versus saying, well, we're a less disruptive form  
4 of lithium extraction?

5           And so I don't know if anyone at the  
6 state, or maybe the county, is already looking  
7 into that. And if not, how can we -- who are the  
8 right agencies? How do we partner so that we can  
9 start getting a little bit, you know, deeper than  
10 just saying that these methods are more  
11 environmentally friendly?

12           MS. DORIN: So DWR is not, as far as I  
13 know, but I think that's something that we could  
14 either report back and explore to see where that  
15 information is. Some on the Community Panel  
16 might actually have that information, because it  
17 sounds like there is information out there.

18           But I don't know if any of the agencies  
19 that are on the panel, if any of your agencies  
20 have information on lithium extraction or the  
21 process that's being proposed at the Salton Sea?

22           MS. MARSHALL: Specific to CDFW, we do  
23 not.

24           MS. DORIN: Okay.

25           MR. DAHL: Yeah, we don't. This is

1 fairly new to us, as well. I think the technical  
2 insight that we have is from speaking to the  
3 various developers via our permit process. So we  
4 know more than we did a couple years back. But we  
5 certainly, by no means, know everything about the  
6 technical implications of everything.

7 CHAIR PAZ: Rod?

8 COMMISSIONER COLWELL: Yeah. Thank you.

9 Given this is, you know, it's a closed  
10 loop process and, you know, there's questions  
11 around the various technologies. In my  
12 understanding there are three or four, but  
13 there's no, obviously, jurisdiction to many  
14 agencies, simply because there's not evaporation  
15 ponds or any byproducts or things like that that  
16 would normally fall into industrial-type uses.

17 Probably one of the better reference  
18 points to refer -- for the Commission to refer  
19 to, or the panel or the audience to refer to, is  
20 the recent CUP with Energy Source. You know, it  
21 was thoroughly examined with the various  
22 agencies. And I believe, probably, you know, Mr.  
23 Hernandez's, you know, air quality would probably  
24 weigh in on that. I would imagine, you know,  
25 there's visual impact, there's things like that.

1           But as far as, you know, being in a  
2 closed loop, again, we're not needing to sort of  
3 refer to agencies because we're putting, you  
4 know, an evaporation pond in or, you know, a  
5 typical hard rock mining processes, you know? So  
6 what's in the, I guess, in the black box is  
7 contained.

8           And, again, I think a really good  
9 reference in terms of recent times and for, you  
10 know, even for the community and outreach was the  
11 CUP that recently, I think it was only the last  
12 week -- if Commissioner Kelley may weigh in on  
13 this, if he's on still? But that's probably a  
14 really good reference point to look at it  
15 technically, to understand what -- you know, are  
16 there emissions, are there, you know, concerns?  
17 And I believe the counties have looked at that  
18 and it will direct the various agencies to weigh  
19 in as appropriate.

20           Thank you.

21           CHAIR PAZ: Thank you. I imagine  
22 Jonathan is probably going to speak on this same  
23 topic.

24           So, Luis, I just want to check on the  
25 order, the --

1 COMMISSIONER WEISGALL: Just very  
2 briefly.

3 CHAIR PAZ: Okay. Thank you.

4 COMMISSIONER WEISGALL: Yeah. Energy  
5 Source filed a 1,388-page Environmental Review.  
6 It covers the technology and it covers all the  
7 points that Rod mentioned.

8 My company, Berkshire Hathaway, BHE  
9 Renewables, is working on two demonstration  
10 projects. We haven't started the one with U.S.  
11 Department of Energy. But the one with the  
12 California Energy Commission, we meet on a  
13 regular basis with the Energy Commission  
14 technical folks. Our application is public  
15 information. So you know, the nonproprietary  
16 aspects of the different technologies that are  
17 being used, they're out there for anybody who  
18 wants to look at them.

19 CHAIR PAZ: Thank you.

20 Commissioner Olmedo?

21 COMMISSIONER OLMEDO: So here's my  
22 question. Environmental preparers typically  
23 represent real parties who have vested interests  
24 in finding no impacts and/or lead agencies who ha



25 evaluate vested interest in not getting sued. So

1 very few are working with environmental justice  
2 groups or communities with limited funds.

3           So the question is: How does your agency  
4 combat regulator capture where environmental  
5 preparers propose a threshold, a methodology,  
6 analysis that avoids finding an impact and leaves  
7 mitigation off the table or, often, relies on  
8 exemptions?

9           MR. DAHL: Well, I can speak for the  
10 Corps, and I think to a degree hit it right on  
11 the head, is the potential for lawsuits. And so  
12 we've had numerous, you know, nationally  
13 throughout the years, especially in recent years.  
14 But at the end of the day the regulator is  
15 charged with doing an evaluation and documenting  
16 that, in our case, I think, fairly extensively.  
17 And then that also goes through multiple levels  
18 of review, especially for some of these larger  
19 projects.

20           So there is oversight. There's  
21 structure. There's some pretty firm bright lines  
22 in terms of what needs to be captured, in terms  
23 of the analysis, and in terms of the Corps  
24 Regulatory Program, as opposed to, I guess, just  
25 the traditional planning agency. We have a lot

1 of public visibility and we have a lot of eyes on  
2 the permits that we issue and how we issue them.  
3 So our permits are often scrutinized pretty  
4 extensively. And so the analysis that we do, I  
5 think, reflects that and the capacity that we do  
6 it.

7 CHAIR PAZ: thank you.

8 And I, you know, I appreciate that there  
9 are -- that we have that resource from Energy  
10 Source and the Environmental Review. But again,  
11 it's as our -- as the Commission, it's our duty  
12 to sort of digest some of these things. We're  
13 not going to tell the legislature, here, go read  
14 this. And I think that's why we were put here  
15 and we were tasked with the different questions  
16 that were delineated in the bill.

17 So I think, just as a note to our  
18 writers, to make sure that when we are writing  
19 our report that we're capturing -- I think it's  
20 still going to be some general terms here because  
21 different projects have different impacts. But  
22 if we can better get a handle of what the impacts  
23 associated with the technology are, it will get  
24 us closer to what we were tasked to do.

25 So thank you.

1           And I don't know if there are any other  
2 questions?

3           COMMISSIONER OLMEDO: Madam Chair, I don't  
4 know if Ms. Marshall had -- I saw her un-mute, so  
5 I wasn't sure if she had anything else to add. I  
6 didn't mean to put you on the spot there.

7           MS. MARSHALL: No, I had nothing to add.  
8 I was just going to say that it's a similar  
9 process for CDFW as the Corps, the permitting.

10          CHAIR PAZ: Thank you.

11          MS. MARSHALL: It's got a lot of public  
12 review.

13          CHAIR PAZ: Okay. Well, thank you to the  
14 Panelists and to the Moderator, Melinda Dorian.  
15 And this concludes the Q&A section of the panel.

16          And I believe we have public comment now,  
17 so I will hand it over to Elisabeth to take in  
18 public -- comments from the public at this time.

19          MS. DE JONG: Thank you so much.

20          So this is the public comment period  
21 regarding the Environmental Impacts Workshop that  
22 we just had, so both panels. And if you are  
23 joining us by Zoom on your computer, please use  
24 the raise-hand feature. If you've called in,  
25 please dial star nine to raise your hand, and

1 then star six to un-mute your phone lines. So  
2 first, we'll go to any hands raised in the Zoom  
3 application, then to the phones, and then written  
4 comments.

5 I do see one commenter with a hand raised  
6 already from LCJA EVC Office. If you -- you  
7 should be able to un-mute yourself.

8 MS. LALORDA: Hi. Thank you. This is  
9 Maria Lalorda (phonetic) with Leadership Council.

10 So first of all, I want to say that I'm  
11 glad to hear that our letter is being reviewed by  
12 multiple groups and people, and being used to  
13 shape future conversations.

14 I also would like to see that cohesive  
15 response that was mentioned. And if this does  
16 pop in, we would definitely share this with  
17 residents.

18 Second, there was a conversation earlier  
19 about a community benefits agreement. And I  
20 would like the group to consider that the  
21 communities around the region are already  
22 experiencing cumulative pollutants and  
23 disadvantages, and the community benefits  
24 agreement has its own issues, especially when  
25 considering this fact.

1           Third, I really wish we would have had  
2 this conversation earlier on, and that  
3 conversations with the community would have had  
4 happened and initiated earlier this year instead  
5 of until November. For example, in our letter,  
6 we suggest that there's a creation of a  
7 consistent space where the community can learn  
8 about these development, but also be made part of  
9 the decision-making process.

10           Also, the community has actually brought  
11 up the question about what if they don't want  
12 this development in almost every community  
13 meeting that I have talked about lithium with  
14 them.

15           And, lastly, I want to say thank you to  
16 Dr. Riofrancos for sharing their expertise with  
17 us today and acknowledge that even if these  
18 things don't, quote unquote, "mirror the type of  
19 extraction discussed in the Salton Sea," the  
20 situation in regards to the type of community  
21 that lives around the Salton Sea and the fear  
22 that these communities feel because of the  
23 history of extractive industries around the world  
24 is very, very, very real.

25           And similar to Chair Paz's comment that

1 was made earlier, I, myself, have been attending  
2 all of these meetings and still don't understand  
3 what the effect of this extraction will be,  
4 besides the fact that it is mentioned that it is  
5 minimal in comparison to other lithium extraction  
6 around the world, but how minimal this is has not  
7 really been explained.

8 Thank you.

9 MS. DE JONG: And if I could just ask  
10 that same commenter, if you could un-mute  
11 yourself again, if you could state your name and  
12 your affiliation?

13 MS. LALORDA: My name is Maria Lalorda  
14 and I'm with Leadership Council.

15 MS. DE JONG: Thank you very much.

16 Okay, we do have another comment from --  
17 the name shows us CCV Staff. Again, if you could  
18 say your name and affiliation to get started?

19 Thank you.

20 Good afternoon. This is Jose Flores,  
21 Comite Civico. I appreciate all the capacity  
22 building through your workshop today. I have a  
23 couple questions and/or comment.

24 For the upcoming meeting in November, I  
25 think November 17th is the date, how much policy

1 will be covered? Because I believe that our  
2 community and myself, I would like to know a  
3 little more about tangibles, positive and  
4 negative outcomes. For example, people might  
5 want the cookie but not necessarily interested in  
6 the recipe. We want to know, again, outcomes.

7           And in regards to what's in our future,  
8 again, these are very well-to-do companies coming  
9 to the richest country in the world within the  
10 richest state in the world, dealing with Imperial  
11 County, one of the poorest counties in our state,  
12 I think the presentations need to be tailored to  
13 the audience. That's very important. And we  
14 need to understand, just because people are not  
15 present at the meeting does not mean they lack  
16 interest. Again, our county is different, our  
17 community is different. They work. They have no  
18 Wi-Fi or they have no transportation.

19           So my question would be: How can we do  
20 more outreach to this type of community?

21           CHAIR PAZ: If I can take a few minutes?

22           MS. DE JONG: Thank you for your --

23           CHAIR PAZ: If you are done with your  
24 comments and questions, just a little bit on the  
25 planning, because you are right, our communities



1 are geographically far from many places. And as  
2 the panel mentioned before, there's just very --  
3 there's not a lot of services, or even places  
4 where to meet, so we have been keeping that in  
5 mind.

6           There will be some virtual locations  
7 where this meeting will be streamed. The meeting  
8 is still going to happen on the Zoom platform.  
9 But we have partnered with the Office of  
10 Assemblymember Garcia, who -- and Supervisor Ryan  
11 Kelley, and Imperial County, so that we can have  
12 at least some remote locations where people can  
13 gather and be part of the meetings.

14           So with that said, I also think we are  
15 relying on our community partners, once the flyer  
16 is out, to help us distribute it. There are  
17 several of us Commissioners here that are on the  
18 ground, you know, day in, day out. We're going  
19 to have to do our part in sharing the  
20 information, but also the community partners that  
21 have been working with me and the CEC staff in  
22 planning and crafting the agenda. So we are  
23 going to, especially, for our communities rely a  
24 lot on the, you know, word of mouth and flyering.

25           And so thank you for your question.

1 MS. DE JONG: Chair Paz, we do have a  
2 hand raised from Commissioner Olmedo.

3 CHAIR PAZ: Thank you.  
4 Commissioner Olmedo?

5 COMMISSIONER OLMEDO: Thank you, Madam  
6 Chair.

7 I also just wanted to add that today  
8 we've heard on several key points about the  
9 importance of investing. And, unfortunately, as  
10 far as I'm aware, that this mandate, this duty  
11 that we've been assigned didn't come with a  
12 significant source of resources. Therefore,  
13 while, yes, I think that it is important to rely  
14 on community and organizations, I think there's a  
15 lot of best practices out there, including the  
16 Air Resources Board, that, in their own mandates,  
17 putting together like Scoping plans or putting  
18 together 617 plans, that there has been, you  
19 know, more and more recognition and investment in  
20 making sure there is meaningful engagement and  
21 participation.

22 And, quite frankly, we're not even at the  
23 starting point here. You know, relying on  
24 community groups that are already overwhelmed  
25 with many, many issues isn't necessarily a -- the

1 right approach to take.

2           So I just wanted, while there are some  
3 efforts, I just wanted to acknowledge that this,  
4 necessarily, shouldn't be the scenario that we're  
5 dealing with.

6           Thank you, Madam Chair.

7           CHAIR PAZ: Agreed. Thank you for  
8 uplifting that.

9           MS. DE JONG: All right. Thank you.

10           So going back to public comments, I don't  
11 see any other hands raised from attendees, so I  
12 will go through items that have been written in  
13 to the Q&A and read those aloud. So, again, this  
14 is -- I will be reading word for word what's  
15 submitted into the question and answer.

16           This is a comment that came in from John  
17 Cubitt (phonetic), directed to Thea Riofrancos.  
18 It says,

19           "Why are you wasting our time with your long  
20 narrative that has no relevance to the Salton  
21 Sea? You acknowledge that your points do not  
22 apply to the Salton Sea but you prattle on  
23 anyway."

24           There is another comment in the Q&A from  
25 Jesus Arguelles (phonetic), and that says,

1 "Need to consider a master EIR so that the  
2 community is engaged by co-owning not only  
3 part of the CTR but others -- but others'  
4 corporate investments made along the Salton  
5 Sea." And the second point is, "Need to  
6 review this project in the context of a  
7 regional economic development strategy with  
8 metric impacts."

9 Other comments that were submitted in the  
10 Q&A, another from Jesus, it says, "Please share a  
11 citation of the study that Commissioner Flores  
12 mentioned." And that was earlier in the meeting  
13 today, but that link is provided in the Q&A for  
14 anyone who is interested. Commissioner Flores  
15 did supply the link to the document that she  
16 mentioned.

17 And another comment that came in from  
18 Patti Lielle Gutierrez (phonetic), it says,  
19 "Hi all. Good afternoon. My name is  
20 Patricia Lielle Gutierrez. I need to logoff  
21 soon but I would like for this comment to be  
22 read out loud during public comment period.  
23 "As this Commission continues to research on  
24 the impacts of lithium and the public health  
25 impacts to the region, I encourage this

1 Commission to bring the support of the  
2 California Department of Public Health Equity  
3 Office. This Office can support in helping  
4 us find the answers of the public health  
5 risks and concerns that are being brought up  
6 from the nearby communities.

7 "It is important to fully understand the  
8 health impacts and that the harm/impacts are  
9 not greater than the benefit. Please take  
10 your time and do not rush this process."

11 And one other comment that we had  
12 submitted in writing is from Juliana Comet.  
13 She's a member of the Quechan Culture Committee.  
14 This says,

15 "I," being Juliana, "don't know why it was  
16 commented by the Commissioner that the tribes  
17 haven't been commenting and he would care to  
18 hear more from them. Haven't these tribal  
19 Commissioners been attending meetings and  
20 commenting?"

21 "Regarding other matters, I," Juliana again,  
22 "do feel, as one Panel Member stated, when  
23 things are done quickly they are done poorly.  
24 One step at a time, commencing with the  
25 proper permits, regulations, involving

1 community inputs, education, and proper  
2 training. Training and education involves  
3 all those parties with the actual hands and  
4 minds working on the project for the  
5 important reason is the lithium extraction  
6 from our Mother Earth.

7 "I hope and pray it is transported in a  
8 highly safe and strict manner to a stable  
9 facility to be processed. Corners cannot be  
10 cut from construction facility personal to  
11 the -- personnel to the top operations  
12 personnel.

13 "This project is a highly volatile operation.  
14 Respect it. Treat it accordingly. Thank  
15 you."

16 Again, that comment came from Juliana M.  
17 Comet from the Quechan Culture Tribe.

18 I believe that is all of the written  
19 comments that we've received. And I do not have  
20 any other hands raised regarding comments from  
21 the Environmental Impact Workshop.

22 So back to you, Chair Paz.

23 CHAIR PAZ: Thank you.

24 Next slide.

25 MS. DE JONG: So -- go ahead.

1 CHAIR PAZ: Thank you.

2 So for this next section of the agenda,  
3 we want to continue mapping out the workshop  
4 topics. We only have two that need to be  
5 scheduled, and those are overcoming challenges to  
6 lithium extraction and legislative regulatory  
7 recommendations.

8 I am going to suggest, unless there is  
9 any objection, that we take them in that order so  
10 that we can schedule the March workshop on -- to  
11 focus on overcoming challenges to lithium  
12 extraction, and that is being led by Commissioner  
13 Hanks and Commissioner Ruiz, and that we leave  
14 the Legislative Regulatory Recommendations  
15 Workshop to the end. That way we will have had  
16 an opportunity to explore all of the relevant  
17 topics that have been identified before we start  
18 crafting and thinking about legislative  
19 regulatory recommendations.

20 So, again, unless there are any  
21 objections, I would like us to confirm that, in  
22 the March meeting, we will have a workshop  
23 focused on overcoming challenges to lithium  
24 extraction, and that's Commissioner Hanks and  
25 Commissioner Ruiz, and that, in April, we have

1 the Legislative Regulatory Workshop, and that is  
2 Commissioner Colwell and Commissioner Soto.

3 COMMISSIONER CASTANEDA: Madam Chair, do  
4 you need a motion for that?

5 CHAIR PAZ: We don't need a vote. I  
6 think it's just if I hear no objections, then  
7 that's -- we will move on scheduling those last  
8 two. So I think I have just volunteered  
9 Commissioners Hanks and Ruiz to go in March. So  
10 if I don't hear from them, too, I think we good  
11 to go. Okay.

12 Okay, so I think that's all that we need  
13 to confirm those two topics.

14 Elisabeth, correct me if I'm wrong.

15 MS. DE JONG: Yeah. I believe that is  
16 correct. We can move to the next slide.

17 CHAIR PAZ: Thank you.

18 And, also, just a reminder to the sub-  
19 bodies, I know that there's been a lot of  
20 interest from the community groups to be more  
21 engaged, and meaningfully engaged, in the  
22 conversations. One of the ways in which this can  
23 happen, for example, is meeting with some of the  
24 groups either that have expressed interest during  
25 our public comments or have reached out to CEC



1 Staff independently with interest around these  
2 topics.

3           So just an encouragement, as we are  
4 planning the upcoming workshops, to try to hear  
5 or allow spaces for community members to shape,  
6 you know, the questions, the -- how we're going  
7 to be addressing some of these topics. And if  
8 you have any questions or interest in knowing  
9 which groups have reached out to the CEC, you can  
10 probably contact Elisabeth and she can give you a  
11 list. Thank you.

12           Let's see. What's next on the agenda?

13           Okay, so this is just a discussion around  
14 the agenda for the community meeting. As, you  
15 know, has been echoed already, it's scheduled for  
16 November 17th from 6:00 p.m. to 8:00 p.m. It's  
17 going to be via Zoom. There will be  
18 interpretation in Spanish and Purepecha.

19           We have identified three physical  
20 locations that will have Staff capacity to  
21 support community engagement and comments.  
22 That's going to be at the County of Imperial  
23 Administration Center, and the flyer has the  
24 actual address, the City of Coachella Corporate  
25 Yard, and the North Shore Beach and Yacht Club.

1           In terms of the agenda that has been  
2 shaped, it sort of falls, if I'm remembering  
3 correctly, I don't have -- I don't -- I should  
4 have pulled it up in front of me, but it's --  
5 we're going to have introduction, welcome,  
6 remarks by Assemblymember Garcia.

7           There will be a presentation by me, just  
8 reviewing the task that the Lithium Valley  
9 Commission has been tasked with, what our  
10 jurisdiction is, and just overall information on  
11 Lithium Valley Commission. And this is in light  
12 of some of the questions that we have heard from  
13 CBO groups around, well, who makes the decision?  
14 What authority does the Lithium Valley Commission  
15 have over approving or not approving projects?  
16 So we hope that giving an overview on just the  
17 composition and the task of the Commission is  
18 going to start clarifying and answering those  
19 questions.

20           There is also a section around the  
21 technologies. So, again, that has been brought up  
22 to us by community members and CBOs. There is a  
23 misinformation around, you know, the process for  
24 lithium extraction at the Salton Sea and, also,  
25 lack of information. So we are going to have a

1 member of the CEC Staff provide an overview of  
2 the, you know, the technologies and the process  
3 for lithium extraction at the Salton Sea.

4           And then we are going to have, what else,  
5 a conversation or presentation led by  
6 Commissioner Kelley around the benefits or the  
7 potential local benefits of lithium development  
8 in the local region.

9           And, again, I think these are the areas  
10 that we've heard some of those questions  
11 throughout this, the workshop, today, as well as  
12 some of the public comments. And we're hoping  
13 that this will be able to start addressing and  
14 increasing the participation and communication  
15 with community members.

16           There will also be a Q&A which will be an  
17 opportunity, specifically, to hear from some of  
18 the industry representatives here on the  
19 Commission, to share more direct information that  
20 I think you will all understand better when it  
21 comes to, you know, also, some of the  
22 technologies or how things are moving on the  
23 ground. There are several questions around that,  
24 even in the letter that was submitted. So we are  
25 going to do our best effort to have the expertise

1 from everyone here at the Commission to answer  
2 the questions that pertain to their areas of  
3 expertise.

4           And I believe that is the plan. And then  
5 we will have the open Q&A.

6           So, Elisabeth, I'm going to rely on you.  
7 I did this all from memory. I don't know if I  
8 missed anything but I know you've been in those  
9 planning meetings.

10           MS. DE JONG: Thank you, Chair Paz. I  
11 can, briefly, just restate.

12           I believe that the schedule that you just  
13 proposed is the same alignment, but starting with  
14 welcome and opening remarks, then an introduction  
15 of Lithium Valley Commissioners, lithium -- and  
16 then some presentations. So the presentations  
17 would include Lithium Valley Commission overview,  
18 lithium recovery from geothermal brine, a more  
19 technical presentation, and potential regional  
20 and community benefits as a presentation, all  
21 followed by Q&A and public engagement, and then  
22 closing remarks.

23           CHAIR PAZ: Thank you. I didn't do that  
24 bad.

25           So, again, just wanting, before we move

1 forward and solidify this agenda, we wanted to  
2 take input from this body. So if there are any,  
3 you know, questions, comments, suggestions at  
4 this time, we can hear them.

5 COMMISSIONER OLMEDO: Well, I have my  
6 hand raised, Madam Chair. May I go ahead?

7 CHAIR PAZ: Yes. Go ahead.

8 COMMISSIONER OLMEDO: Yeah. No, this is  
9 all great. I just -- you've mentioned it  
10 already, I think, several times, just this keeps  
11 coming up is there's a desire from those who have  
12 shown up that clearly are, you know, he's  
13 representing community or stakeholders or  
14 disadvantaged communities, environmental justice.  
15 It keeps coming up that -- you know, can we see  
16 behind the curtain? What's there? You know,  
17 what are those technologies? What are going to  
18 be the impacts?

19 And I think it would be good to just  
20 have -- you know, layout a conversation, what's  
21 the information out there that is already known?  
22 You know, these projects are well underway. You  
23 know, we've heard that there's, you know,  
24 congratulations for the progress of Berkshire and  
25 their project.

1           And I vaguely recollect some time ago  
2 that back when Simbol, which was another lithium  
3 extraction project, had -- there was some  
4 proprietary -- some discussions around  
5 proprietary ownership and how much, you know,  
6 there was a willingness to discuss certain  
7 processes. And I recall having conversations, I  
8 think it might have been with the California  
9 Energy Commission, and maybe other agencies, in  
10 regards to the allocation of these public dollars  
11 and how much expectation they had that more  
12 information would be available to the public.

13           It would be, probably, you know,  
14 important to bring that -- and update as to what  
15 are the expectations communities should have as  
16 they continue to ask, you know, what's the  
17 information that's going to be shared? Because,  
18 I mean, it's not like, you know, there's no  
19 information out there. I think that we're just  
20 going to see an increase of appetite for seeing  
21 more transparency.

22           So I think it will be important to get a  
23 good understanding as to what is that's going to  
24 be available, when is it going to be available,  
25 what's available now, in some kind of an

1 understandable format. Because I imagine I mean,  
2 you know, I imagine it could be thousands of  
3 pages; right? But some -- I think we owe it to  
4 the participants, and even to this body, to have  
5 some type of format of how we can get that  
6 information, and what information is relevant to  
7 the tasks at hand.

8 CHAIR PAZ: Thank you. Any other  
9 comments/suggestions? Okay. Good.

10 Okay, I think this is not a voting item.  
11 And, again, unless there is strong resistance,  
12 it's safe to say that we can move forward with  
13 the planned topics, and that as a planner, I can  
14 reach out to at least several of you, not  
15 violating the Bagley-Keene, so that we can  
16 prepare as much as we can to answer some of those  
17 questions that have been coming up. And all of  
18 you have access to, you know, the questions that  
19 has been placed on the docket, and that has the  
20 letter that was referenced today. But, again,  
21 I'm happy to reach out to those of you that I  
22 think would probably have information relevant to  
23 the types of topics that the community wants to  
24 hear from.

25 So are there any other questions/hands

1 raised that I'm not seeing? Okay.

2 Okay, so I'm going to take this as  
3 agreement in moving forward with the agenda as  
4 planned.

5 Thank you, Elisabeth. And if we can move  
6 to the next session?

7 So this is the public comment relating to  
8 any discussions for future meetings. This is an  
9 opportunity to give us your comments.

10 Elisabeth?

11 MS. DE JONG: Yes. Thank you.

12 So if you're joining us on -- by Zoom on  
13 your computer, please use the raise-hand feature.  
14 If you've called in, please dial star nine to  
15 raise your hand, and then star six to un-mute  
16 your phone line. First, we'll go through hands  
17 raised in the Zoom application, and then on the  
18 phones.

19 I am not seeing any hands raised or  
20 comments coming through on the chat, and so back  
21 to you, Chair Paz, although right back into  
22 general comments.

23 CHAIR PAZ: Yes. So we will now move on  
24 to general comments. This is an opportunity for  
25 members of the audience to give us any general



1 comments you may have.

2 Elisabeth?

3 MS. DE JONG: Thank you.

4 So, again, those instructions are that if  
5 you're joining us by Zoom on your computer,  
6 please use that raise-hand feature. And if  
7 you've called in, please dial star nine to raise  
8 your hand, and then star six to un-mute your  
9 phone line. Just checking if there's anything  
10 written.

11 I don't see anything, and I do not see  
12 any hands raised, so back to you, Chair Paz.

13 CHAIR PAZ: Thank you.

14 Before we adjourn, I want to review our  
15 upcoming meetings. We hope you will be able to  
16 join us November 17th for the Lithium Valley  
17 Commission Community Forum.

18 We have scheduled a meeting on December  
19 9th. That may conflict with a meeting that CNRA  
20 is having around Salton Sea Intertribal meeting.  
21 I believe they have scheduled it on the same day  
22 of 12/09. That might present some conflicts for  
23 Members of the Commission, so we wanted to  
24 explore the possibility of changing that December  
25 9th meeting to December 10th.

1 I don't know, Elisabeth, what's the best  
2 path, the best path forward to confirming that?  
3 I don't know if you, you know, reach out to the  
4 Members of the Commission individually and then,  
5 if it works with the majority of us, we move it,  
6 or what do you suggest?

7 MS. DE JONG: Yeah. Thank you for that,  
8 Chair Paz. So we do have the December 9th  
9 meeting on calendars right now. What we can do  
10 is reach out via another calendar invitation for  
11 December 10th and see if we can get a consensus  
12 from the group to move forward with changing the  
13 date. If that sounds like that's a good plan, we  
14 can move ahead with it.

15 CHAIR PAZ: Okay. I would like that,  
16 when we do that, we can compare the number of  
17 people that we would be able to have on the 9th  
18 versus the 10th before we make the change. So  
19 just a request for the Commissioners that you  
20 look at your calendars and accept the meeting  
21 that you would be able to attend. That way, you  
22 know, if there would be less people available on  
23 the 10th, then I would be hesitant to changing  
24 it.

25 MS. DE JONG: Thank you, Chair Paz. And

1 we will gladly follow up with you on how that  
2 number looks once we get responses.

3 CHAIR PAZ: Okay. Thank you for that.

4 So the meeting is now adjourned and we'll  
5 see you in November.

6 (The meeting adjourned at 5:13 p.m.)

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CERTIFICATE OF REPORTER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of November, 2021.



---

MARTHA L. NELSON, CERT\*\*367

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I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

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I certify that the foregoing is a correct transcript, to the best of my ability, from the electronic sound recording of the proceedings in the above-entitled matter.



November 8, 2021

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MARTHA L. NELSON, CERT\*\*367