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In the matter of: Docket No. 20-LITHIUM-01
Forum Presentation
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Roderic Dolega
Miranda Flores
James C. Hanks
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CHAIR PAZ: Hello everyone and welcome,
this is Silvia Paz, welcome to the Lithium Valley
Commission Meeting. We have an extremely full
agenda today with an environmental impacts
workshop that will address topics of particular
interest to both Commissioners and the community.

To provide ample opportunity for comments
and discussion, we will be imposing time limits
today on public comment. Each member of the
public will have up to two minutes to make a
comment on all items, except for the
environmental impacts workshop.

For the workshop, all public comments
will have up to three minutes. And also, I do
request that Commissioners try to keep their
comments brief so that we can get through the
entire agenda today. I thank you all in advance
for your cooperation.

We are providing interpretation services
in Spanish for attendees participating in this
Zoom meeting through their computers or tablets;
unfortunately, the Zoom interpretation function
does not work for anyone who is joining by phone only.

Now I will welcome a representative from the CEC to give instructions to our Spanish speaking audience on how to use interpretation.

MS. GALLARDO: Thank you, Chair Paz.
(Speaks Spanish)
Chair Paz, back to you.
CHAIR PAZ: Thank you, Noemi. For the rest of us, if we can please remain on the English Channel for the entirety of the meeting, preferably with cameras on, this will ensure that the public has access to the meeting under the Bagley-Keene Open Meeting Act. Next slide.

Erica, I will pass it over to you for this next slide.

MS. LOZA: This meeting is being conducted remotely via Zoom, consistent with Governor Newsom's Executive Order N-1-22 to improve and enhance public access to state agency meetings during the COVID-19 pandemic.

This meeting is being recorded, as well as transcribed by a Court Reporter. The transcript will be posted to the docket. The recording of the meeting will be available on the
Lithium Valley Commission webpage. The Spanish interpretation will not be recorded or transcribed.

Members of the public will be muted during the presentations, but there will be opportunities for public comment at times throughout the meeting. There is a Q&A window in the Zoom application, which you can use to type questions and comments, and staff will relay those comments.

The chat function should be used only for IT support or other technical issues. Please do not use the chat functions to provide comment or questions on the contents of the meeting.

Please remember to stay muted until you've been called on to speak. Meeting materials, including the notice and presentation are posted online and in the Lithium Valley Commission Docket. We will be posting this presentation online and to the docket with guest presentations translated into Spanish.

Back to you, Chair Paz.

CHAIR PAZ: Thank you, Erica. We'll now move on to Roll Call of the Lithium Valley Commission Members.
CHAIR PAZ: Commissioner Steve Castaneda.

COMMISSIONER CASTANEDA: Here.

CHAIR PAZ: Commissioner Rod Colwell.

COMMISSIONER COLWELL: (No audible response)

CHAIR PAZ: Rod is not able to join us today. Commissioner Roderic Dolega.

COMMISSIONER DOLEGA: Here.

CHAIR PAZ: Commissioner Miranda Flores.

COMMISSIONER FLORES: Present.

CHAIR PAZ: Commissioner James Hanks.

COMMISSIONER HANKS: (No audible reply)

MS. DE JONG: Chair Paz, James Hanks is here. I'm going to try to promote him to panelist. You should be able to unmute yourself, Commissioner Hanks.

COMMISSIONER HANKS: Okay, I'm here.

CHAIR PAZ: Thank you.

MS. DE JONG: You're welcome.

CHAIR PAZ: Vice Chair Ryan Kelley.

VICE CHAIR KELLEY: Here.

CHAIR PAZ: Commissioner Arthur (Richie) Lopez.

COMMISSIONER LOPEZ: Here.

CHAIR PAZ: Commissioner Luis Olmedo.
COMMISSIONER OLMEDO: (No audible response).

CHAIR PAZ: Commissioner Paz; I'm here.

CHAIR PAZ: Commissioner Frank Ruiz.

COMMISSIONER RUIZ: Here.

CHAIR PAZ: Commissioner Manfred Scott.

COMMISSIONER SCOTT: Here.

CHAIR PAZ: Commissioner Thomas Soto.

COMMISSIONER SOTO: I'm here.

CHAIR PAZ: Commissioner Jonathan Weisgall.

COMMISSIONER WEISGALL: Present.

CHAIR PAZ: Great. We do have a quorum. Thank you.

On the screen you can see the agenda. The Lithium Valley Commission will discuss and consider the issues that you see in front of you. Next slide.

Our first item today is to review the proposed findings and recommendations that came up from the February workshop on workforce development.

I asked the CEC staff to document and summarize potential proposed findings and recommendations that were identified throughout.
the workshop for our review and consideration as a body to generate a discussion and begin to develop areas of consensus now, as opposed to waiting until the entire draft report is presented to us. And so, this is one opportunity, again, for us to -- now that it's fresh in our minds -- to review the findings and recommendations.

The document was provided to the Commissioners last week and docketed and I can open it now for any comments that you might have.

I can maybe summarize some of the recommendations just to, you know, jog your minds. I know it's been a long time since our last workshop.

So, some of the recommendations that came out from the discussion include the following: to implement road construction career partnerships which provide support of services, pre-apprenticeship of training, and demand through partnerships with local employment entities; to reach a wider range of potential employees through methods such as providing childcare services, public transportation,
classes, and certification.

So, this was again around the idea of increasing access for the people who otherwise might face challenges from benefitting from the local jobs.

Another recommendation was to organize and develop community-based agreements and project labor agreements in collaboration with industry, labor, community, environmental and employer groups for the region, including the fence line and front-line communities; to create educational pathways, internships, apprenticeships for local residents, and related benefits for the local community.

Processes for local input should include support formation of a Community Advisory Council. Using the Rise and Ready and High Road frameworks to provide input and guidance on community-based agreements, provide opportunities to connect with broader constituents in the region to provide input on provisions for wage floors, local procurements, local contracting, labor training and education, childcare, transportation, Green Building Standards, and related benefits for the local community.
Support industry employer training partnerships that use High Road core principles for training and education such as supporting and enhancing apprenticeships and other labor management partnerships. And funding comprehensive training opportunities that prepare workers for good careers.

Create a requirement for all government assistance that new investment in Lithium-related activities require high job quality standards and job access agreements for blue collar construction and operation and maintenance jobs.

Support creation of curriculum courses and certification programs. Utilizing and enhancing local school and college programs for areas such as Science, Technology, Engineering and Mathematics (STEM) to assist in creating career pathways for youth and adults through partnership with industry.

Encourage collaboration among industry, academia, and local governments to ensure that skill gaps are identified to be able to build appropriate training programs to support further careers.

Support a full-service local four-year
degree campus to help advance workforce development and prepare for High Road construction jobs. Make training available locally for other High Road construction jobs that will come to the area, as ancillary opportunities with the growth of the Lithium extraction industry in the region.

Use both High Road and Rise and Ready frameworks would direct equity in the region, development a collaborative and integrated workforce training approach that makes funds available to pay community participants for their training and access to quality laboratories and equipment from industry for the training.

Collaborate with Imperial County Municipalities, local builders, and State Governments to develop sustainable and affordable housing initiatives, create meaningful participation of community and labor constituents where participation is much more than just informing our consulting, but one that builds trust within the communities.

Link workforce development and economic development to create investment and innovation, infrastructure, and collective resources.
Consider the creation of a Sovereign Wealth Fund that provides local benefits recognizing the long-term economic opportunity of Lithium extraction from geothermal brine in Imperial Valley.

Convene a supporting community focus group body to remain involved and offer public platforms for community engagement beyond the AB 1657 October 2022 Legislative Report due date.

So, these are quite a number of recommendations. It would be helpful to hear from my colleagues if there is anything from the conversation that happened at the workshop, or other information we've been hearing that is not coming up as a recommendation. Maybe you want to suggest that we capture it as a recommendation.

COMMISSIONER LOPEZ: Chair Paz?

CHAIR PAZ: Yes.

COMMISSIONER LOPEZ: My recommendation is to look at not just State but actually Federal at the same time in that area with some of the recommendations regarding housing, regarding labor, you know. The tribal folks have a labor - they have their own labor system that they have in place, too, that would be able to help
assist in some of these areas, too.

CHAIR PAZ: Thank you, Arthur. So, what I'm hearing and if we can capture this is that we are leveraging not only State investments in some of the areas around housing and workforce development with coordination of the Tribal Governments, as well as the Federal Government?

COMMISSIONER LOPEZ: Correct.

CHAIR PAZ: Thank you. Anyone else?

Luis.

COMMISSIONER OLMEDO: Hello Madam Chair -- I'm just walking in now. The document that was shared as the preliminary, is that what's being discussed at this moment?

CHAIR PAZ: Correct.

COMMISSIONER OLMEDO: My first thought is certainly I'm not sure if it would be an ask to make a decision on it, or we're being asked to be included in the Docket as additional information, or we're saying making a decision on this. Again, my first reaction is to always go out in the community and try to get input.

CHAIR PAZ: Correct. So, the question right now, again, this is not the final document, it's meant more for conversation between us; did
we capture -- is everything that we heard at the workshop and what we've been hearing -- I know some of you have been at these community meetings -- I know Ryan Kelley was in a meeting yesterday -- so is this consistent with what you've been hearing? Is it consistent with what we heard during the workshop? Is there anything that is not here that you want to flag? And again, this is our first take, hoping to find consensus, but it's not going to be the final. Once the report is fully drafted, it's going to come back for continuous input.

So, I'll let you sit on that, Commissioner Olmedo, and I'll call on Vice Chair Ryan Kelley.

VICE CHAIR KELLEY: Thank you, Chair Paz. From the draft document, I believe that all the concepts are there and inclusion of how community benefits would be used for workforce development. One comment that I would like to add for discussion is how the workforce and sustainability, to get to that point of being able to allow industry to establish itself and what measures can be done to be able to allow them to be successful and to a point where the
 partnership can foster in both directions?

    CHAIR PAZ: So, what does that look like?

And maybe, Ryan, if you have more thoughts on

that, or Jonathan, or anyone else?

    VICE CHAIR KELLEY: Well, before

Jonathan, I would just opt for the -- you know,

we're looking to try to -- if there were to be a

levy, it would be an incremental approach to

allow them to have time.

    And also, that there are so many needs

and so many wants in our community that we can't

address all the grievances that have occurred in

the past with new development, but we can assure

that it's done right, and we try to be inclusive.

    So, I'm hoping that everyone's

expectations are balanced and understanding that

we need to be able to let the plant grow so that

we can all prosper.

    CHAIR PAZ: Thank you for that, Ryan.

Jonathan?

    COMMISSIONER WEISGALL: All very good

points. I agree with you, Ryan. Maybe you and I

could just work up some language in the next

couple days just to capture those thoughts.

    We're moving forward already on workforce
development, it's not too soon, especially when you're talking about high school students. We are working on an internship program already, great cooperation with Imperial Valley College, as I think the other Commissioners know, with STEM curriculum and the like, working with the Employment Training Panel Program, I guess it is, ETP out of Sacramento.

But, yeah, I'd like to get those thoughts down, but obviously we're not waiting to get started on those measures. They're all useful. And look, let's face it, attracting a good local workforce, that's our goal. That's going to be - I think it's achievable given what we foresee as the wages and the career development.

And when I look at our existing geothermal plants, when I see some our employees who have been with us for 35 plus years, we like to think of this as a potential for long career opportunities, but we've got to get started on that right now.

CHAIR PAZ: Yes. Commissioner Olmedo.

COMMISSIONER OLMEDO: Something that got my attention right away is the specificity of the types of jobs and, again, drawing from examples
of wind, solar and massive amounts of certifications, much of it funded by workforce development dollars, I mean still deeply saddened about how many people with solar certifications and no jobs. Even as an employer, I remember last time somebody came in here and said, "You know, I have a certificate to work on this very specific project."

I think it is necessary and it's important. I think it is important to educate a workforce that is adaptable to many jobs, so worse case scenario, right, because I always have to have a contingency plan, that we're not preparing a workforce that's going to be without a job. We've already done that once; we've already seen an influx of dollars for workforce development how can we put together a workforce that is adaptable?

You know, as an Employer, both in private sector, as well as the nonprofit sector, I train my employees, right? I invest the dollars. They come in with a skill set, they've come with the ability to adapt to different jobs, different levels of skill sets, and we provide the training for them to be able to customize the job that we
need them to do, right. So as far as education, I certainly would like to avoid that enormous amount of resources going to building a very custom job that we don't know yet, right, we don't know yet if it's going to -- we all hope that it all happens in the best way possible, but I would certainly bring that to the table as something that we need to create those types of safeguards.

I also, I mean, I never -- in spite of the way that I present things, I've never been against the geothermal, I've never been against Lithium. I wouldn't be here if I didn't believe that we can transition to cleaner fuels, in the best-case scenario it's clean fuels. But the geothermal exists here already and I just want to make sure that when we talk about the Lithium that we already have an established industry here and it would probably be important to draw examples of how that has worked because I'm not sure if this new element constitutes it as a whole new business, a whole new source, and if that's the case, well, I would depend on other experts to kind of bring that to the Commission so that we can understand. Is it a new business
built -- I mean, I don't want to repeat it, but I think it's just important to understand so that when we make recommendations then we know exactly how it is characterized, or are we -- is geothermal not part of the conversation, or is geothermal part of the conversation? Is geothermal not part of the Lithium, or is geothermal part of the Lithium? Because I think we have, what, 40 plus years of geothermal in the Valley of Imperial.

CHAIR PAZ: Thank you for your comments. I don't see any other hands. I do want to go back to what I heard Ryan Kelley say about the multitude of needs that exist in our community and that we cannot expect that all of that is going to be sort of resolved on the extraction of Lithium itself. And I think that it's important for our recommendations, our findings to the Legislature, that we highlight that and that if the Legislature -- and even, I mean, the administration has shown they're very interested in this transition, in getting this right, but there are going to be different types of investments outside of only the Lithium extraction piece.
So, we're here convened because of the Lithium extraction, but that's one piece of the puzzle in this transition and in order for our communities to be able to benefit more holistically, trained in different job areas like Commissioner Olmedo has mentioned, but also ensuring again that our infrastructure is there, that we can really be set to leverage far more than only the extraction of Lithium. And that's going to require separate types of investments, I believe.

Are there any other comments? Are there any remaining questions from the Workforce Workshop that any of you feel were still not answered, we need more clarity on? Yes, Commissioner Olmedo.

COMMISSIONER OLMEDO: I'd just like to extend, you know, sort of the Environmental Justice equity lens to the extent possible to help contribute to what Commissioner Weisgall and Ryan Kelley may be doing, Commissioner Kelley. If that helps, happy to support language or anything that you find useful from that perspective.

CHAIR PAZ: Perfect. One of the areas
that for me, after the workforce development continues to be a little nebulous is identifying the exact number of jobs. So, I don't think we need another whole workforce workshop to get to that, but hopefully between now and the time that the draft report is, that the CEC staff can help identify more clearly the number of jobs that are associated directly with the extraction of Lithium.

I know during the workshop there were different things from the construction jobs that are going to happen, but then there were other types, so if we can more clearly identify those, I think it would be beneficial as we are having the conversation about how to prepare the workforce. Jonathan?

COMMISSIONER WEISGALL: You can put Berkshire Hathaway Energy down, BHE Renewables, for 200 operating jobs, so that's not construction; as we all know, that can be a big number, but it doesn't last, and it's also not indirect. And of course, that can also be a terrific number, but keep 200 in mind for full scale commercial. And I don't know -- I don't want to speak for EnergySource, but I'm recalling
70 as the number of full-time operations there.
So that should be helpful.

CHAIR PAZ: Thank you, thank you for that. Commissioner Ruiz.

COMMISSIONER RUIZ: Yeah. I think, just to follow up the comments, I think it is important to know the number of jobs. I think it is also important to know the kind of jobs, how many chemists, how many engineers, how many janitorial positions. I think it is important to know and having that information so that the institutions and all the entities that are planning for it can plan accordingly.

CHAIR PAZ: Thank you. Ryan.

VICE CHAIR KELLEY: Just quickly, as you mentioned Silvia, there was a presentation by all three companies in Niland last night and Jonathan is correct, EnergySource is saying 70 employees based off of their extractions plant and they have 35 for their geothermal plant. Jonathan is, I believe -- if it's 200 on a full scale, or if that's the proposed phasing. But I think that's a close and realistic if it were based off of megawatts that maybe 100 or 50 megawatts of energy and extraction, Jonathan? Any comment?
COMMISSIONER WEISGALL: Yeah, no, that's about right. I mean, our existing geothermal, which is 345 megawatts, we have 200 employees. So, if we do Lithium recovery from those existing plants, we anticipate another 200 on the Lithium side. That's chemists, engineers, plant operators, and the like. And, Frank, we do have a pretty good breakdown there of the numbers, which we'll provide.

We're also -- and I don't want to complicate things -- but separately we're planning to expand our geothermal facilities, at least doubling them. So that would be another 200 on the geothermal side and, of course, we will plan for Lithium on the new facilities, we're not going to retrofit anything, so that's yet another 200 on the Lithium side.

So full scale, we will go from 200 -- again, plus or minus today, it's been as many as 225, never below 200, call it 200 today -- that could expand up to 800, which would be 400 additional on the Lithium side, 200 on the geothermal side.

And I should say, by the way, a lot of the jobs are somewhat similar. Lithium is
certainly more on the chemistry side, but
otherwise plant operators, engineers, because
it's all in the same location. So those are the
numbers you can work with.

CHAIR PAZ: Thank you. I see Roderic
Dolega and then Ryan Kelley.

COMMISSIONER DOLEGA: Just a quick
question for Jonathan. I think it would be
helpful maybe for the Commissioners, as well, is
the timing and the phase-in of these jobs, kind
of what are you assuming and kind of the roll-out
of these facilities, and if you can give any
indication of when these jobs would be created as
you kind of roll out the geo and Lithium plants.

COMMISSIONER WEISGALL: I'll jump in
really quick if that's okay, Silvia. Let me just
ballpark it. Construction starting 2024, phasing
in 2026, so we're not going to have 200 employees
on Day 1 in 2026, we're going to ramp up because
our tentative plans would be three separate
Lithium facilities within our 10 geothermal plant
area because we've got 18,000 total acres.

So, phasing in starting in 2026, hope to
be fully commercial by 2028, Rod, and that would
get that full 200 number. On the geothermal
expansion side, we are hoping to have double our existing facilities. Our goal is to get it in by 2026. The California Public Utility Commission actually has an order directing load serving entities to procure 1,000 megawatts of essentially geothermal and we think that we can meet at least 375 of that.

So, we would aim to be on line in 2026. The Order does provide a two-year additional period if good faith is shown, so worst case would be 2028 for the new geothermal and presumably the Lithium would be ready to go with the new geothermal, so I hope that helps.

CHAIR PAZ: Thank you. Ryan.

VICE CHAIR KELLEY: Yeah, just quick.

So, Robert, your question was shared with us and Jonathan, you can correct me if I'm wrong, but they're already hiring some positions, so EnergySource is actually hiring now and so is Cal Energy for their test facility.

So, the employment factor is already beginning. And one other important thing that was shared by Jon last night, Jonathan, was there are all these direct contractors, so the employment factor is much greater than 200 for
Cal Energy. There are contractors that are performing work and they are dedicated towards those sites.

COMMISSIONER WEISGALL: Absolutely. I didn't -- and thank you for pointing it out. Silvia, I wanted to be accurate in terms of our direct hires, but Ryan is right; I mean, on any given day we'll have 50, up to 300 contractors working on maintenance and issues like that. And Ryan is also correct, my colleagues and I, we have hired a couple people now already to get started on our demonstration plant. That's the one-tenth commercial scale Lithium Recovery Plant that we hope to commission as early as next month. So, yes, the hiring is beginning.

CHAIR PAZ: Great. Thank you for all that information and I think really as to at least the findings portion of the report that we can think of it sort of in different circles, right, what is directly extraction, but then what are those ancillary whether it's contracts or other jobs that would result from this. I appreciate that.

In terms of potential recommendations to the Legislature, I think considering a local
first approach so that, to the extent that both
collectors can be local or a close proximity to
the resource, I think that's one of the ways in
which we ensure that the dollars are staying in
our economy. Commissioner Olmedo.

COMMISSIONER OLMEDO: Yes, this is for
Commissioner Weisgall or anyone else from the
industry that could help with this; but as we're
envisioning sort of the new industry, you know,
we know what it looks like right now and what
it's done in terms of the geothermal. But
envisioning sort of a future maybe even larger,
again, I think eventually we'll get a better
understanding of what it means to bring in this
whole Lithium industry in terms of numbers and
calculations, but the industry does hire
contractors to bring workforce to help do the
take down, breakdown, and sometimes I see them
referred to as the "dirty jobs," right?

Is there any way that through this
process now that we're going through to perhaps,
either the industry or even Commissioners to
identify -- and I will say the industry more
appropriately -- identify where those
opportunities are to sort of bring that type of a
workforce into a more protected workforce, a more standard of a workforce versus just sort of being the seasonal type of jobs that just come in, do the job, and then moves on. How can the industry create better jobs out of those jobs?

And I wonder if the industry already has those jobs quantified and how many out of the total number of jobs are those types of jobs.

CHAIR PAZ: I'll let Jonathan answer and then I'll go to Tom.

COMMISSIONER WEISGALL: The quick answer is every job we're looking at and those numbers that I gave you, Luis, are full time. That's absolutely the goal. I mean, that's -- nothing here is coming in and leaving. Contractors will come and go, that's the nature of a contractor. You know, you've got whatever it is, got to clean a turbine or something like that, but full time those numbers you can count on those as full-time jobs, yes.

COMMISSIONER OLMEDO: Thank you for clarifying -- sorry, Madam Chair, may I just --

CHAIR PAZ: Yeah, go ahead.

COMMISSIONER OLMEDO: Yeah, thank you for clarifying. That's always been a doubt that I've
had is that are they the same jobs? And knowing
that, I mean, it's good to know that. I
appreciate that information and the distinction.
Could the industry and to the extent the
governmental agencies create better standards and
working conditions for those contractors that may
be where there are opportunities for the
industry, so how you do sort of Union jobs, or
PLA-driven jobs, but a standard for those
contractors that would come in and to meet a
certain metric and making sure that industry
isn't creating sort of this lower standard of a
job, but that it's hiring companies that are
demonstrating a higher standard, a higher quality
of jobs -- well, job training, recruitment,
safety, and so on. Jonathan, would you have
anything to say to that? I mean, was that
something that the industry can look into?

COMMISSIONER WEISGALL: Hard to give you
an off-the-cuff answer because we kind of, I
mean, we've worked with the same contractors for
upwards of 35, 40 years. But let me -- I think
it's worth putting that on the table and we'll
take a look at that, Luis. It's much easier for
us to control -- and by "control" I mean provide
all of those things you've talked about for our workforce. Safety is a wonderful example. I mean, throughout our company, I mean, that is number one. Our workforce -- we've got 26,000 people in our entire company and goal number one is they come home after work in the same condition that they went to work that day. That sounds kind of arcane, but that's serious, safety is absolutely critical as are these other factors. So that's what we focus on with our employees. It's a little bit different with contractors, but let's follow-up on that issue.

CHAIR PAZ: Thank you. Tom.

COMMISSIONER SOTO: Thanks, Silvia. Hey, Jonathan, when I was a kid, I used to work at a shipyard, Todd Shipyards, and I was very pleased to come home the same way I went in the mornings, so sometimes that's an accomplishment.

You know, I really enjoyed this discussion and, to Rod and Jonathan and the other private interests in the Valley that are promoting the idea and the reality of creating some good economics and jobs, and what Ryan is describing, you know, is pending. I mean, that is really fantastic stuff. And I don't want to
dismiss it as so casual because I think it has a meaningful effect on the quality of life.

I think that this is a time where we may want to have a little bit more courage and boldness to think bigger as, you know, my dad used to say, "Mijo, if you're gonna steal the hubcaps, take the car." Right? And here we are, the wind is in our sails, we've got the former U.S. Senator from the State of California as Vice President, we have a President that California helped deliver to the White House, we have incredible State Legislative leadership in the area, Congressional leadership, Alex Padilla going to Washington now, and we have the climate change portion of BBB is $520 Billion. If we discount that by 50 percent, that's still a hell of a lot of resource to grab onto with the type of leadership that we have.

And maybe we should be thinking more grandly. You shoot for the moon, we come back with a piece of cheese. And that is not just job creation at CalEnergy or CTR, but we are the state responsible for starting the EV revolution. We created the regulatory framework, we used taxpayer money and ratepayer money to subsidize
the creation of the Electric Vehicle sector. To this day, Tesla is not profitable without the emission credits that it gets from the State of California. And we have the fourth largest reserve of Lithium which is fueling the economics of all of that to occur.

Let's begin to think large. Let's think unusually large. Let's think boldly large to the point where maybe if we don't make it to that point, if we got 50 percent of the way there, we're a hell of a lot better than we were ten years before.

And let's start thinking about Lithium as the headwaters for production chain of the Salton Sea and Imperial Valley becoming the global focal point for battery storage production, job creation, innovation, and vocation. That's how we should be thinking and that's where this Commission needs to go.

And in my conversations with the Speaker, the Legislature, the Governor on what we're doing, and even DOE, that's how I'm promoting. I mean, this is nothing less than the Manhattan Project that converted the sleepy little shallow towns of Palo Alto and Berkeley into Silicon
Valley.

That's the opportunity that we have to look at this with and not through the prism of the old future, the old future being, you know, fossil fuel economics, carbon-driven economics, exclusion, status quo.

We're the Lithium Valley Commission! We're supposed to be looking at the new future, which is carbon-free economics, electrical vehicle technology, solar, renewables, responding to climate change, and diversity, equity, and inclusion, which means the communities that look like me and the people on this phone are going to be given just as much rights to that opportunity as historically the other non-diverse communities have had for 100 years. And that includes the fossil industry who get still $700 billion a year in subsidies.

I think what we're standing atop of is not just the fourth largest reserve of Lithium in the world, it is probably the single biggest economic opportunity we have in California to keep us competitive as the fifth largest economy on the planet.

I just want to close that longwinded
statement -- it's a genetic predisposition
because I'm the child of two elected officials --
so, here it is: let's think big, let's think
bold, let's be courageous, let's ask for things
we know they're going to say no to, but we're
going to get something greater than had we not
asked for them before.

And that's what this Commission should be
recommending. We start with changing the
economic base of Imperial Valley and turning it
into the global beacon for Lithium production,
battery storage, and the future of the economy of
California.

CHAIR PAZ: That is great, Tom. And I'm
not going to let you end it; I mean, I know we're
a little bit behind time.

But that is the way that everyone talks
about Lithium, the possibilities, and then I look
around and I'm like okay, great, but all the
investment is going into just facilitating the
extraction and that alone doesn't deliver us what
you've painted for us.

So, we have an opportunity here to make
very direct recommendations to the Legislature
that's going to help us move in this bold --
visionary -- what we want for our community.

So maybe, what are like your top two, three asks that we can put as recommendations:
"This is what we need, this is what we need, and this is what we need to deliver on this vision."

COMMISSIONER SOTO: Ask number one:
extend the Commission. For those people that want to exit once this discussion is going, then Commission number two. Let's become the headwaters for battery production, storage production, and create a value chain that we could build and create more employment opportunity. That will be Commission number two.

My next legislative ask is to have direct debt go into Imperial Valley to help to subsidize what Jonathan is doing. Granted, his boss sits on $60 billion, but that doesn't mean Jonathan has $60 billion, that's all shareholder, that's all fiduciaries.

What he needs is support and so does Rod because Rod is in even a worse spot, he's a start-up. And that is we need access to debt -- cheap debt. And inflationary debt right now is a little expensive, but the State of California has tremendous capacity through the Pollution Control...
Finance Authority, the State Treasurer's Office, the Climate Catalyst Fund, to offer percentages. Let's get specific legislative carve-outs that need to be applied to support the mandate that comes out of the Commission so that we could have private investors and come in who will feel as though that they are de-risked from their private equity to put money, venture -- early seed capital into developing these initiatives. So that would be ask number two.

Number three is that we continue to support LCFS, emission credits, cap-and-trade, all of the market-based incentives that are helping to support the larger types of investments that are coming into California that are supporting innovation.

And don't think that what we're doing as a politically appointed Commission -- and not innovation, we're ahead of innovation, we're the ones that are going to be putting out the recommendations that people like me who invest in this area say, "Oh, by the way, the Commission said this, and the Governor has signed on it, and there's legislation that supports it. That is the de-risking of the equity that's going to go
So those would be the top three. You know, we have a $45 billion surplus, we have a huge amount of Prop. 13 driven debt that has yet to be consumed with a number of these industrial development bond facilities through the State Treasurer's Office, and now through the Office of GoBiz, let's use them.

CHAIR PAZ: Thank you for those -- and I see nothing wrong with those, I just want to point out that we are talking about public dollars.

And I see that Luis's hand is up. So, Luis, I have a question for you and so I'll call you after I call on Ryan, but how do we add to those market -- very direct market incentives, the requests that are going to get us to be as intentional on the diversity, inclusion, and equity piece? So, I'll let you think on that for a little bit, and I'll call on Ryan for now.

VICE CHAIR KELLEY: I want to buy a ticket to Tom's next motivational speech because I enjoyed it and I am completed bought in. Let me know where to get the book on tape because, as we will be talking about our plan and, Tom, we
are reaching for the moon on a lot of things, and some of the things you brought up, we'd be happy to help you champion those in any office, anywhere. Thank you very much.

COMMISSIONER SOTO: Thank you.

CHAIR PAZ: Thank you, Ryan. Luis Olmedo, and this will be the last comment because we need to move on in the agenda. And I'm sure the speakers can probably add to some of the things they've heard us talk about. Luis.

COMMISSIONER OLMEDO: I mean, I think Commissioner Kelley kind of said it in far fewer words than I would have. But, I mean, inclusion and equity, I think it works the other way around, right? We need to make sure that we know what the impacted communities are.

We know what the communities that have been excluded are. We know what happens around the Salton Sea. And we know the challenges that we face, and we see the opportunity that's there. I certainly would hope that whatever happens in Imperial is an opportunity for the region, including communities like the Eastern Coachella Valley and how that expands outward I think it needs to begin where these facilities
are going to be placed, you know, maximize it.

I mean, I hear all types of proposals out there that aren't being discussed with us in the Commission. But it's like you don't build it somewhere else and just have the production of whatever happens there, but export anything that has benefit attached to it.

So certainly, that's not a position that I would hope that this air basin faces, given the -- and I love this, you know, when Governor Newsom and Secretary Crowfoot have been saying for so long, we have to write the wrongs of the past, I just love that every time they say that.

And I think we have such a huge opportunity to do that. So, while I support "ask big," absolutely, we need to ask big. And we need to do it in a way that it's a reality. We need to make sure that we mitigate, we want to make sure that there are no further impacts on our communities. We want to make sure that we help the industry create to the best possible extent clean energy. Cleaner is good, cleaner is better, and if that can be supported with, you know, both investment from the industry, from incentives and new technological investments, I'm
all for that.

We want to make sure that the industry is the Cadillac, not the old model. We want to make sure it's the battery-operated system, not the 8-cylinder old lead fuel-powered vehicle, right?

So that's certainly what I would hope that happens and I would welcome and invite as much as possible the conversation to begin in Imperial, and I want to see that dream, just as Commissioner Soto mentioned. What does that look like when you begin in Imperial, Eastern Coachella, and then you grow it outward? What does that vision look like because I certainly am not someone that can paint it so beautifully, but I want that dream to happen to us here, and then to California and to the rest of the nation.

CHAIR PAZ: Great. Thank you for that, Commissioner Olmedo. I'll close it with a couple of items that I think would add to the diversity, inclusion, and equity piece.

In our recommendations so far, we talk about Community Benefit Agreements. There needs to be a resourced process for this to happen. There needs to be a resourced process for the community to be engaged, for the community to be
able to dream and paint the vision, right, of what are the benefits that they're looking for in their communities, to paint that picture for us.

The other thing is, there has been mention of fees, taxes, royalties. Once all that is settled, I think there needs to be a participatory budgeting process so that, again, the community gets to say at any given time, re-prioritize where should investments go, where should these resources in the form of tax dollars -- where are they most needed in our community?

So, I will add those two pieces to end on building the whole picture that includes the diversity, the inclusion, and the equity that has been championed in this process.

Thank you so much for the conversation. And we will go to Public Comment on this item.

MS. LOZA: If you are joining us by Zoom on the computer, please use the raise-hand feature. If you've called in, please dial *9 to raise your hand and *6 to unmute your phone line.

If you are unable to make a public comment orally, you can type your comment into the Q&A window, and we will read it out loud.

Oral comments will be limited to two minutes per
speaker. If you have typed in your comment, that limit will be applied during the reading of your comment by CEC staff.

So first we will go through the hands raised in the Zoom application.

I see Jose Flores. You can unmute yourself.

MR. FLORES: Yes. Good afternoon. And the topics are very educational, and I loved Commissioner Soto's Ted Talk. He talks very visionary and as far as the concept of knowledge in our area with Lithium, the way I see it is just knowledge about Lithium and what's going on is not as important as the application of that knowledge by the community, as has been mentioned before. The application and knowledge I see is the cradle to grave industry within our region, the Salton Sea border regions.

And just to close, as far as talent, we have a lot of talent in our community, a lot of people ready to fill the needs of this industry, as no talent is universal, but historically opportunities for our community have not been universal. So, thank you.

MS. LOZA: Next is Art Gertz. You're
allowed to talk.

MR. GERTZ: Can everyone hear me?

MS. LOZA: Yes.

MR. GERTZ: Yes. So, I hope everyone on
this Lithium Commission understands that the sea
is dropping about one foot per year. It will
continue to dry up more than likely for the next
10 years until we have a reliable adequate source
of water to refuel the sea. I hope we understand
that.

And the State is not meeting its
milestones in the 10-year plan for fully covering
the exposed playa, milestones are not being met,
they're not catching up. Do we intend to have an
unlimited supply of hay bales and gravel? Or
what is the ultimate final solution?

And with that, I ask of all these
wonderful things that Lithium recovery is to
bring to the area, knowing that the sea will
continue to dry up with thousands of acres of
exposed playa being exposed, who in the Salton
Sea Basin will be able to live in the area? All
well and fine, what percentages of jobs compared
to the percentage of jobs we already have in
Imperial County, what is that percentage?
But the larger picture I ask you to focus on, who in Salton Sea Basin will be able to live in this toxic dustbowl that is going to consume everything in the area? I ask you to deeply consider that. Lithium is great, we hope it does wonderful things, we're hearing lots of wonderful things, but until we take care of the bigger problem in concert, how are we going to reap the benefits in the long term?

MS. LOZA: Thank you. I will read the Q&A bar. And this is from Christina Marquez, and she says: "Not a question, but YES to what Tom Soto was saying! Start large!"

And then our second commenter was from Art Gertz: "What is the percentage of jobs increase in Imperial County? Who will live in the sea basin as sea continues to dry up?" And then "(massive exposed play)?"

The next comment is from Leadership Council (LCJA ECV Office). It says: "Has there been analysis done on the expected manufacturing and recycling facilities of vehicles and batteries and potential pollution/environmental impacts from those?"

The next comment is from an anonymous.
It says: "Lithium batteries are incredibly hazardous and must be handled with care. If the plan is to store a vast amount of lithium batteries in one facility, what will you do to ensure that we don't end up with a fatal disaster?"

Last anonymous comment is: "Commissioner Soto comparing this to the Manhattan Project is very very worrisome. The Manhattan Project is not viewed positively by a large portion of the population."

Okay, so those are the last comments.

Back to you, Chair Paz.

CHAIR PAZ: Thank you. So, we are going to start the second workshop on Environmental Impacts. During the October 28th public meeting, the Lithium Valley Commission conducted the first part of the Environmental Impacts Workshop which discussed community impact and environmental planning.

Some of the preliminary recommendations identified during that previous discussion were engaged community and environmental groups throughout project, environmental review, and develop processes; add community benefits,
requirements into State law regulating Lithium-related industrial activities in Lithium Valley, such as improving local environmental conditions, ensure Lithium extraction and production practices via best management practices that have minimal environmental impact.

Comments to date indicate a need for a deeper understanding of the permitting process and environmental analyses for these types of projects.

That is one of the goals for us to meet during this discussion; however, we were going to start with the permitting and environmental process and analysis first because people from the second portion of this have to leave early, I'm going to swap.

So, I will ask the first panelist who were going to be Eric Knight, Noemi Gallardo, and Jim Minnick. I'm going to swap and I'm going to be starting with public participation and engagement in CEQA and opportunities for addressing environmental justice concerns and the review of geothermal facilities and Lithium extraction.

So, this panelist will focus on public
participation and engagement and opportunities
for considering environmental justice in their
review of geothermal facilities and geothermal
Lithium extraction projects.

We do ask all of our panelists to keep in
mind the current projects that are at different
phases in the region, so to summarize them there
is one, the EnergySource Mineral ATLiS Project
that plans to add a Lithium extraction facility
to an existing geothermal power plant. This
project received approval from Imperial County
and EnergySource plans to start construction this
year.

The Controlled Thermal Resources Project
has completed its second geothermal production
well and has either submitted its permit
application or is in the process of submitting
its Permit Application to Imperial County for a
geothermal power plant with a co-located Lithium
extraction facility.

And BHE renewables is constructing a
demonstration plant for geothermal Lithium
extraction and plans to bring the demonstration
plant on line this spring. If the demonstration
is successful, Berkshire Hathaway plans to build

California Reporting, LLC
(510) 313-0610
a commercial scale plant.

So again, it's helpful to keep this project in mind as we're thinking about how we engage people in the process.

There were also some questions that were asked of the participants or the panelists who covered and they are as follows: what existing public health issues should be considered in reviewing future permitting and environmental impact analysis of geothermal and Lithium extraction projects?

How can Environmental Justice concerns be better addressed and public participation be strengthened in the review of these types of projects in the region?

How best can interested stakeholders and residents participate in the EIR and permitting process for these types of projects? What findings and recommendations would you suggest that the Lithium Valley Commission adopt that would have a meaningful impact for community engagement and public health specific to Lithium extraction projects?

So, with that, I will start with Dr. Paul English.
CHAIR PAZ: Dr. Paul English, you can unmute yourself.

DR. ENGLISH: Yeah, thank you. Sorry.

Okay, let me just turn my video on. Could you advance the next slides, please?

Yeah, so one thing I just wanted to start talking about is we're talking about doing this development in an area, and I'm talking about Eastern Coachella Valleys and Imperial Valleys, that have a long history of poor health outcomes.

I'm an Environmental Epidemiologist. I work for the Public Health Institute out of Oakland, California. I'm the Director of a program called Tracking California and I've worked over 20 years for the Department of Public Health for the State of California.

I've been involved in work in Imperial Valley and the U.S. Mexico border for over 20 years.

This graph that you're seeing now is emergency visits due to asthma in Imperial County. The bottom line is the State of California. These are rates per 10,000 people.

You can see historically at Imperial County,
although it looks now that rates are starting to
drop a bit following a trend in the state, but
these rates have been 50 percent, 100 percent
higher hospitalizations for asthma in the area.
Next slide.

When you look at the Coachella Valley,
don't forget it's really a story of two valleys.
We have the affluent area in blue where the
poverty rate is less than 20 percent, and 20
percent greater poverty rate in the orange areas,
which is the poorest border in the northern part
of the Salton Sea. Next slide.

Now, when we look at rates of these
health outcomes, and these conditions are air
pollution-related conditions. That means that
these are either caused by or exacerbated by air
pollution. We're talking about asthma, Chronic
Obstructive Pulmonary Disease (COPD), bronchitis,
pneumonia, heart disease, and myocardial
infarction, or heart attacks.

And you can see just the discrepancy in
comparing those higher poverty areas near the
Salton Sea to the more affluent areas where Palm
Springs and those other communities are. So,
we're seeing much -- these are emergency
department visit rates per 10,000.

And so, you can see for asthma, all these conditions, that the poorer areas bordering the Salton Sea in the Eastern Coachella Valley are much worse than the affluent areas in the western part of the valley. Next slide.

Environmental exposures, you know, what may be driving part of these poor outcomes, if we look at kind of what we call the premier tool for assessing pollution in the state, this is from the California Environmental Protection Agency, their CalEnviroScreen index, these are areas that get higher ranked, that are disproportionately burdened by multiple sources of pollution. And you can see that the Imperial Valley and parts of the Coachella Valley near the Salton Sea are in the top two deciles of cumulative impacts according to CalEPA. Next slide, please.

Now, when we're talking about best practices, and you asked about increasing public participation in the process, there is - we have an EIRs by the CEQA process and the Supreme Court has recently ruled in California that the EIR must show reasonable efforts to substantially connect a project's air quality impacts to likely
health consequences.

That's a standard, but the Health Impact Assessment which provides a framework to determine the potential positive and negative effects of a proposed policy plan or development project on human health, and how these impacts might be distributed in the population.

In other words, this type of process really addresses the disproportionate impacts, addresses Environmental Justice issues much more explicitly than in an Environmental Impact Report. And it's a much more complete analysis of the health effects that considers all the potentially significant direct, indirect, and cumulative health impacts associated with this development. Next.

So, my final message is there's going to be winners and losers in this project. Of course, there are health benefits from reduction in unemployment, there are health benefits for being employed. Of course, we want to not forget about occupational health risks that might be resulting. The losers may be asthmatic children if there is increased burden on this already totally maxed area for environmental exposures.
and poor health outcomes.
And so, I would just urge the Commission
to keep these facts in mind when going through
the process. Thank you.

CHAIR PAZ: Thank you. Next is Jonathan
London.

DR. LONDON: Good afternoon, everyone.
Thanks to Chair Paz and Commissioner Olmedo for
this introduction.

I'm a Professor at U.C. Davis. I have 25
years of experience working with rural
communities throughout California on issues of
Environmental Justice, community participation,
and broader issues of rural community development
and well being.

I have worked in the Eastern Coachella
Valley on a number of Environmental Justice
projects and also in the Imperial Valley through
my own Environmental Justice research and work
through the Environmental Health Science Center
at U.C. Davis. Next, please.

I'm going to leave a number of points at
your -- on the table here just to lay them out in
advance. So one is that history matters, and we
should be thinking as the new Lithium Valley is
being launched to look at other natural resource
depending areas and other mining areas to think
about what are some things we want to avoid, and
how do we achieve the kinds of things that have
been expressed already, these really terrific
visions.

Second, that Environmental Justice is an
appropriate framework for laying out the
guidelines for how the Lithium Valley can be
developed in an equitable and inclusive way.

I want to highlight that CEQA, in
addition to having outcomes of providing an
analysis of impacts, is also a big governance
process; so really thinking about the process,
about transparency, and democratic inclusion, and
also that it really ought to be the floor, not
the ceiling; so things like the Health Impact
Assessment that Dr. English just mentioned and
the Community Benefits Agreements, which I
understand was addressed in an earlier workshop,
so I really want to support both of those. Next,
please.

So just a little bit about mining
dependent communities. While one hopes that the
Lithium Valley will be very different from mining
dependent communities around the world, and over
centuries, it's really important to make sure
that that, in fact, is put into place. So, each
can have significant boom and bust cycles and it
looks great when the community and industry is on
the upswing, and it can look quite different when
it's in the downswing, so really needing to have
a long-term perspective here.

Partly, that is that these can have these
very long-term environmental impacts -- just
think about closed fracking wells that are
leaking methane, for example, when the firm is
gone, who is going to be responsible for that?
So really thinking about -- and I know methane is
not at issue here, but as an example -- how do we
create long-term custodial chains and
accountability.

There can be in mine independent
communities a lack of pathways into High Road
careers, and I've been really pleased to hear
that that's exactly the opposite of what people
are talking about here, that there's very
explicit emphasis on the High Road pathway, and I
think that's terrific. I really want to commend
both the firms and the Commission for emphasizing
that.

Sometimes there can be inadequate investments, you know, can be some minor investments, but if it's not really done at the scale of the impact of the industry, that can be a problem. And sometimes there can be a lot of emphasis on well-being of the firms, and the community can be getting less investment, as Dr. English was saying; there can be winners and losers and an Environmental Justice approach really pays attention to that. Next, please.

So, in terms of Environmental Justice, just to lay out a little bit of that terminology. Next. So, there's four different dimensions of Environmental Justice that I want to share. Next. The first is distribution, so there's an issue of who is getting overburdened by hazards, and who is getting equitable access to opportunities. Next.

The next is about process and how well community, particularly those that are most affected by a given issue, are included in equitable and meaningful ways. Next.

There's also the issue of respect of all these different kinds of knowledge, so there's
certainly the scientific technical knowledge, there's also knowledge based on people's everyday lives, their bodies, their health, what they see in front of them, and how can you have a process that incorporates all of those different kinds of knowledge.

And finally, next, the ultimate vision of Environmental Justice is not just a place where you stop bad things from happening, but it's really about how do you build thriving, healthy, equitable, sustainable, prosperous communities. That's really the goal. Next, please.

In terms of what that looks like in policy, this is about incorporating EJ into NEPA compliance, so it looks at both fair treatment, so the issue of meaningful involvement and how these kinds of disadvantaged communities are involved -- that issue of process or inclusion. And it also deals with distribution or impact, that no group, regardless of background, is going to be getting a disproportionate share of negative environmental consequences.

So as the Lithium Valley Commission thinks about Environmental Justice, it needs to think both about involvement and process, as well
as impact, and particularly in a long-term way
and even more particularly on the most
disadvantaged populations. Next.

So overall, to really think about as you
develop an Environmental Justice strategy, really
try to identify who are the people who are least
at the table, who are most marginalized, most
disadvantaged.

So, thinking about this Salton Sea Basin,
of course farmworkers, undocumented immigrants,
Tribal residents, youth, elders, people who again
are often disenfranchised or even invisible often
in the case, for example, in undocumented
immigrants. To really make sure it's meaningful
engagement, so not just the standard public
hearings, but really thinking about workshops
that can be meeting people where they are, going
to the churches, going to the civic associations,
going to the schools, really developing co-
developing engagement, so not assuming how, say,
farmworker community or tribal communities want
to be engaged, or should be engaged, but actually
working with them to create a situation of how
they want to be engaged, what's really going to
be meaningful and impactful. And often it's not
the standard CEQA-based workshops.

To really think about cumulative impacts and long-term impacts, that this not a point in time impact, it really is this sort of larger holistic picture that needs to be accounted for. And again, not just to think about the negative stopping, the negatives, but also how do you proactively increase health, increase well-being in this holistic way, so not just environment, not just economy, but also education, also public health, mental health, community cohesion, all of those kinds of things that really go into a thriving community. Next, please.

So, this has been covered before, so I won't do this in much detail. Next, please. But just to kind of emphasize again the importance of CBAs. So, without a CBA or Community Benefits Agreement, or one that is just between the City or in this case, say, the County, the Irrigation District, and the Developer, and the Community is sort of in this disorganized setting and needing to develop these individual arrangements, that really creates a power imbalance. Next, please. You have in a CBA situation that there is an organized community in relationship with a city
or a public entity and the Developer. And it is
this three-way system.

So just in closing, just a few of those
characteristics. Next.

So first that they ought to be legally
binding is one thing to sort of have a handshake,
but when you're talking about something that
generations in development having that written
out and signed in the three-way, not just between
the public entity and the private, but also with
community signatory, a lot of the elements that I
list here. There are many many many that you
already had in that document that you discussed
already, so here's just a few.

But also, what I didn't see in that
document was an emphasis on monitoring long-term,
sort of the lifecycle and lifetime assurance to
make sure that those mechanisms and the CBAs are
actually happening and that there are enforcement
mechanisms to make sure that, again, over time
that these kinds of really wonderful elements to
the CBA actually are being experienced and are
providing benefits for the communities.

So that is it. Thank you so much. I'll
look forward to any questions.
CHAIR PAZ: Thank you, Dr. Jonathan London. Next is Lisa Belenky.

MS. BELENKY: Good afternoon, Commissioners and thank you for the opportunity to present today.

I will have a somewhat different perspective, but I'm hoping it dovetails well with the other participants.

The Center for Biological Diversity has worked to protect the environment in the California deserts for over two decades. And our work to protect species and habitats and air quality includes Imperial County.

We participated in the planning for renewable energy in the California Desert and on a project-by-project basis for solar, wind and transmission projects, as well as on other projects that we have openly opposed, such as sprawl development.

The Center strongly supports the shift of our energy needs away from fossil fuels and towards renewable resources, including geothermal resources, and we are very hopeful that the new Lithium extraction technologies from brine may avoid the need for large open pit mines and large
evaporation columns that are associated with other Lithium extraction domestically, as well as the issues with relying on imported Lithium, which may also have significant environmental impacts, as well as the human rights concerns.

I just wanted to say at the beginning I'm going to talk a little bit about the actual landscape of Imperial County. And if I cover actually my camera for a moment, this picture is actually the other side, the west side of Imperial County.

It shows an area of what was the ancient Lake Cahuilla that sat at the banks of the ancient Lake Cahuilla, which is a really important feature in Imperial County. And the picture in this slide is of the Algodones Dunes which is also a very important feature in this area.

The California Deserts are rich in biodiversity and cultural resources. While I can't speak for Native people, I have been told by elders in this area that it includes many sacred landscapes, as well.

There are also abundant solar and geothermal resources. Unfortunately, as we have
heard from other speakers, it also has highly impaired air quality that impacts human health, as well as the health of the environment. Much of this is caused by the drying of the Salton Sea, but that is not the only source of air quality impact in this area.

Activities that disturb intact soil, vegetation, and other disturbing activities such as grading can increase impaired quality impacts in the area. These impacts fall disproportionately on disadvantaged communities, as the other speakers have mentioned, which is an Environmental Justice concern.

First off, I'll provide a little bit of background on some of the species in this area, and then next I will discuss how CEQA can be viewed with an Environmental Justice lens to ensure transparency and public participation by the affected local communities, and other efforts that may be needed to ensure that disadvantaged communities experience a net benefit from the extending ramp up of the new Lithium industry and additional geothermal production in this area.

The next slide, this slide I realized it is quite busy, but it shows just a few of the
most imperiled species that inhabit these deserts. These include the iconic Mojave Desert Tortoise, the Flat-Tailed Horned Lizard, and rare plants species. There are many other common species like the Chuckwalla and the Desert Kit Fox, and there are both rare and common migratory species, many many birds, that also depend on this area for survival.

Impaired air quality and other impacts from new projects can harm both human health and the survival of these species. Could I have the next slide, please?

Now this even busier slide adds a little bit of overlay of some of the areas on public lands that have been designated as areas of critical environmental concern, a California Desert National Conservation Land that should be protected.

It also lists areas that have been designated as public lands and developed in focused areas that are specific to the development of geothermal resources and/or solar resources.

In Imperial County, many of the solar projects have also been developed on private
lands, including agricultural lands.

These are some of the resources that will need to be reviewed under any CEQA review.

Turning to the CEQA issues, CEQA is one tool, it is not the only tool, to achieve the best outcomes. CEQA requires that impacts be avoided where possible and that the remaining impacts be minimized and fully mitigated.

However, in a situation where the current baselines of impaired air quality is already causing impacts to human health, we believe that agencies go much further than what CEQA requires, and they must provide a net benefit to the community. And this will require commitments that go beyond the bare minimum of what is mandated.

Whether it is, as we have been discussing for a Community Benefit Agreement, or a fee or severance tax, or some other form of funding, the benefits to the community must address the impacts to the community and must include community input, and controlled prioritize how funds are used.

As Chair Paz just said today, a community process is required throughout the lifespan of
any funding. Any CEQA reviews for individual projects, or a larger Master Plan, or Programmatic CEQA Review, must take into account the baseline of the existent resources and must also consider the direct, indirect, and cumulative impacts of these projects, along with the growth they may induce. That could be increased traffic, transmission needs, housing needs, and others.

While growing an industry and job opportunities may be a positive impact, they nevertheless bring with them other impacts. Many agencies will be involved in the CEQA process as responsible agencies. This might include, for example, the California Department of Fish and Wildlife, the Water Boards, or even CalGEM, which actually permits the drilling of the actual geothermal holes for new geothermal wells. But the principal responsibility will fall on the lead agency, which is most likely to be the County.

In order to ensure public participation, the lead agency must provide documents in translation to ensure participation and transparency for the local community. This is
not currently mandated by CEQA but should be a commitment going forward.

The Commission has done an excellent job of modeling how translation could work; however, this is not how most CEQA processes are typically done. Translation should not only be of Notices, for example that there is a document to be reviewed but should also include key documents to ensure transparency and community input.

In this instance in Imperial County public participation has often been quite low. For example, and I am definitely not picking on this project, it is just the most recent example, the EnergySource ATLLis Project, which was developed as a Lithium project processing brine from an existing geothermal plant, the Hudson Ranch One Project. The County prepared an EIR and there were literally no public comments. There were only three comments from other agencies.

As I understand it, the project is relatively small compared to similar projects that were expected in the future. While a positive step forward for the industry, it does have impacts to air quality. For example,
geothermal emissions are not just steam. And it also uses water resources and will require a waste stream. I reviewed the EIR, and it discusses things like filter tape which filter out unwanted minerals, and these may or may not be able to be reclaimed and recycled.

I am certainly not saying that this is not a good project, everyone is excited, this is a pilot project, but the lack of public participation is a significant concern.

I just want to end by saying I'm very glad to be here and happy to take any questions and I look forward to a robust panel discussion.

Thank you so much.

CHAIR PAZ: Thank you, Lisa. And next is Jose Bravo.

MR. BRAVO: My name is Jose Bravo. I've been doing Environmental Justice for about 30 years. I just started out doing Environmental Justice work with the Environmental Health Coalition in San Diego, and I was invited to the first People of Color Summit, where 500 of us came together to actually build what is now the Environmental Justice Movement.

I was also on the drafting of the
Principles for Environmental Justice and also the Jemez Principles for Democratic Organizing. I say that because a lot of times people still have concerns around Environmental Justice and how to describe it. We describe it very easily: for us, it's people of color, low-income communities, and those that are politically disenfranchised.

And to top it off, I think we add another element, which is also the fact that in many of our communities it does allow, if there is zoning, that zoning does allow sensitive use right up to industrial -- heavy industrial use. So those are some of the indicators that cause the harm to our communities and why we came together to do the work that we do.

I have some trajectory in Imperial Valley. Several years ago, many years ago, '94-'95, I produced a video on the New River in regard to the contamination on the New River. At that time, it was the most polluted river in the United States. Understanding that, there are a lot of issues that are already affecting the Imperial Valley, with everything from PM, Particulate Matter, and fugitive emissions.

And we believe that it's important for
communities to be at the table, not as an afterthought, but at the beginning of a process, to be equal members of the decision-making process, and making sure that people understand that. For us, it is not only about economics, it's also about those environmental impacts that pose harm.

So, I want to mention, I want to propose that moving forward everything that is being said and proposed here adhere to pollution prevention, toxic use reduction, precautionary principles, and, as Dr. English said, Best Management Practices. I think those are very very clear ideas of how we can move forward together. I think it's super important for us to make sure that we stick to those things.

I also believe that community-based organizations should take the lead and by taking the lead they should have all the information that is available to them. So, I believe in the fact that communities should have free prior and informed consent and, at the same time, help with engaging other stakeholders into this process, not the other way around.

I think that for many years we've
developed relationships with many folks, and some of you have just heard from some of these folks, and it's important that we all be at the table.

Also, when it comes to community benefits, I think that communities need to be able to prioritize where those benefits are going to land. In many instances, you know, local governments and others are the ones that kind of steer these things in different directions, but I think it's the responsibility of many of the communities, as well, to be able to steer those resources.

We believe that when there is a situation like there is with this geothermal plant, and the bringing of the brine, and the separation of Lithium, it has the potential to pose a lot of harm, especially harm in the way of disposing some of the waste, even though it might not be considered waste that we heard on a recent tour. But ultimately, I think it's important to make sure that the community is involved in all of the aspects of what could potentially harm them.

I would also like to propose that people start looking at ways that the resources could go to manufacturing jobs in what we believe in the
future to be, you know, a non-polluting way of

doing things, but I would also stress the fact

that we've got to look at cradle to cradle

approaches, the system approach on things,

instead of cradle to grave.

If we don't look at the system approach

on things and the cradle-to-cradle and the re-use

of products, or services, or whatever it be, then

we're failing them, we're just producing

everything that we can.

I will deviate really quickly and say

that, you know, my father in the late '40s, early

'60s, picked onions in the Imperial Valley when

he first came into the United States. And he

taught us to do the work the right way the first

way, and not to do something that later we would

have to go back and clean up. So, I think that's

wise to keep in mind, and I think it's really

really really important for folks to move in that

direction.

We would also like to say that, you know,

we've been supporting A.B. 1001 in regard to how

communities are being identified and put into the

process of identifying impacts and such, so we

support that. And I think that the supply chain,
all those things that go along with that, I think are super important for our communities to be a part of, that discussion. Thank you very much.

CHAIR PAZ: Thank you, Mr. Bravo. At this point, I will take any questions or comments from the Commissioners. Luis.

COMMISSIONER OLMEDO: Hi, I just want to thank the panelists for bringing this information. I think it really brings some additional ideas and thoughts. I didn't hear any of the panelists necessarily say this can't be done, you know, but more bringing some best practices and ways that we can do it better. So, yeah, I just wanted to thank all of you. I don't have any questions at this time.

CHAIR PAZ: Thank you. Any other comments, questions?

I, too, want to appreciate and recognize all the information that was provided today. I mean it provides a really good context for the place, right, that we're looking at, where we're going to be removing or extracting Lithium from.

A few takeaways that I appreciate, where the importance of seeing CEQA sort of as the floor, not the ceiling, there are many more
things that we could be doing.

The differences between an EIR and a Health Impact Assessment; I think the Health Impact Assessment can, if done right, can also be another way in which our community gets further engaged in the process of understanding the projects that are being proposed.

The Environmental Justice principles, right, thinking of who are the beneficiaries and who are the ones who maybe are paying a price is really important.

And then something that we haven't touched on before, but what I'm taking away too is that we need more understanding on the air, the water, and the byproducts, or waste streams, or byproducts related to these plants.

So, again, I just wanted to highlight those takeaways for me and thank the panelists for your time.

We are now going to go deeper into understanding the permitting and the CEQA process from the agencies.

So, let's see, our first speaker on this portion of the panel is Eric Knight. Eric is from the CEC. He will provide an overview of
CEQA and the role and responsibilities of public agencies and the Energy Commission's permitting process and environmental review for power plants. So, Eric, if you can unmute yourself.

MR. KNIGHT: Good afternoon, Chair Paz, Vice Chair Kelley and the Commissioners and participants.

I am Eric Knight, Manager of the Siting Environmental Office at the Energy Commission. Thank you for this opportunity to present to you this afternoon.

I've been asked to provide a brief overview of the environmental review and permitting of geothermal power plants in Imperial County. And I'd like to just start out by saying I'd like to thank Andrea Cook and Stephen Kerr, my staff, for putting together this presentation. Next slide, please.

So, this first slide gives you kind of a snapshot, which agency, what permit, geothermal power plant based on its size in Imperial County. So, the Energy Commission licenses power plants, geothermal power plants that are 50 megawatts, net capacity of 50 megawatts and greater. And Imperial County would license geothermal power
plants less than 50 megawatts. And I think there was a comment earlier that the majority of the projects likely would come through the County for permitting. I think historically that's true. So Imperial County would permit power plants smaller than 50 megawatts. Also, it would be the County's authority for additions of less than 50 megawatts to existing geothermal power plants.

And also new power plants that are between 50 megawatts and not exceeding 100 megawatts, this would fall in the County's authority. If the Applicant chose to seek the small power plant exemption from the Energy Commission, and it was granted that exemption, that permitting would then fall to the County. I'll get into that in detail just two slides later.

And also, additions between 50 and 100 megawatts at an existing power plant, again with a small power plant exemption, would fall to the County.

The County could permit any size geothermal power plant if it applied for and attained delegation of geothermal licensing from
the CEC. And to date, no agency has applied for a delegation or received delegation. And I believe there was a presentation at the last Lithium Valley Commission about a rulemaking in process right now to streamline those provisions in our regulations. Next slide, please.

So, the permitting of the power plant with the Energy Commission if it's 50 megawatts and greater, our license covers the power plant and what's called "related facilities." And that's defined in our regulations as an electric transmission line, gas line, you know, the facilities that are dedicated to and essential to the operation of the power plant.

There's a unique carve-out for geothermal wells and conveyance lines associated with the geothermal facility, where they're not that defined as a related facilitator, specifically carved out.

So, the permitting of the geothermal wells and conveyance lines would fall to CalGEM, the California Geologic Energy Management Division of the Department of Conservation. But the environmental review of those facilities would fall under the Energy Commission's analysis.
and, I should say, would fall under it if they were being done by the County, the County would be the lead agency. The County would include those elements as the CEQA lead agency in that whole lead action and their environmental document.

Lithium extraction that's related to a geothermal power plant, this would probably need to be determined on a case-by-case basis if this is a related facility or not and would fall within the Energy Commission's citing authority, licensing authority.

But again, like the geothermal wells and advance lines, no matter who the permitting agency is, the lead agency conducting the environmental review would include the environmental impacts and discussion of the Lithium extraction component of the project.

Next slide, please.

And now I want to get a little bit deeper into the details on permitting 50 megawatts and larger power plants at the Energy Commission and specifically geothermal plants.

So, the process that the CEC uses for the certification process, so the Application for
Certification process is a certified regulatory program under CEQA. So, the Secretary of the Natural Resources Agency is deemed the Energy Commission's site certification process as functionally equivalent to CEQA.

Essentially, I think what that means, to me, is that we follow all the tenets of CEQA. We have to identify significant impacts, sort of the impacts of the project, identify those impacts that are significant, identify mitigation, and consider alternatives that would avoid or reduce those impacts. It just means we essentially don't prepare Environmental Impact Reports, you don't see those letters on our documents, but we do produce a series of environmental assessment documents.

So, the process starts with the Applicant submitting an Application to the Energy Commission, it's called Application for Certification, and it's basically the Applicant's assessment of what they believe to be the impacts of the project, the mitigation measures that they're committing to, and it has to supply all the information that is specified in our Regulations.
The next step for staff is to review that application, make sure it's complete, it contains all the basic -- the minimum information required by Regulations. If it does, we'll make that recommendation to our commissioners to accept the Application, and then that starts the certification process. So that's what we call Data Adequacy.

But the information doesn't stop there. At that point we start conducting what we call Discovery, we start writing data requests asking for more information from the Applicant. We conduct outreach to all the agencies that would have an interest in the project and conduct consultation with Native American Tribes.

And the staff's research and analysis culminate in what's called a Preliminary Staff Assessment. There's a public workshop, or workshops held on that staff assessment to make public comment for the public, from agencies, Tribes, and the document is finalized, and that's called the Final Staff Assessment, which serves as the staff's testimony at evidentiary hearing, or hearings, that are conducted by the Energy Commission.
There are two Energy Commissioners assigned to each siting case. They hear the testimony of all the expert witnesses from the formal parties to the proceeding, which include the Applicant, staff, and staff is an independent party in an AFC proceeding. It could include formal Intervenors, so these are individuals, organizations, agencies, sometimes trying to apply for formal intervention and become a party to a proceeding. They also can present testimony.

Then, at the culmination of those hearings the Committee that's been assigned to hear the case will issue its Presiding Member's Proposed Decision, which is its recommendation without the license, or will deny the project. And then that's voted on by the full Commission, which is a body of five Commissioners appointed by the Governor.

And then, I just would close with that is that the Energy Commission, if a project were licensed by the Energy Commission, we serve as the Chief Building Official, so we oversee construction of the power plant, assure that it meets the California Building Standards Code, all
the other requirements to build a structure in California, and then we monitor all the parts of the project for its life, its compliance, its conditions of certification is what we call it, those are all the conditions in the license and those are developed to mitigate impacts and ensure the project will comply with all applicable laws, ordinances, and standards. Next slide, please.

So right here, this is just a snapshot of the Staff Assessment, the topic areas that are covered, and the Energy Commission's Environmental Document. So, like I said earlier, this is one of the bits of information that the Commissioners who are going to make a decision on a project will consider.

We are an independent party, so the Applicant also has an opportunity to present their information, but these are all the top areas that we would analyze. I'm sure they look very familiar to folks who are familiar with CEQA, California Environmental Quality Act or and EIR.

The unique feature of our documents is that, in addition to the Environmental Impacts
Assessment you'd see in a CEQA document, we also analyze the project's compliance, with the Federal, State, and local laws, ordinances, regulations, and standards. And that would include the County's General Plan, its Zoning Code, and there's a specific document that's provided to us by the local Air District, which is called Determination of Compliance, which is a document that advises the Energy Commission as to whether or not the project will comply with the local Air District's Rules and Regulations, and what measures are needed to ensure that. And those are folded into the environmental document.

And then also different from a normal CEQA document is those last topics you see, those are the engineering aspects of the project, so facility design, efficiency, reliability, and transmission system engineering. Next slide.

So, continuing on with our process, CEC's process, it is often times referred to as a one-stop-shop, so a Permit by the Energy Commission is in lieu of all other permits that would be required, but for the Commission's exclusive jurisdiction over a power plant 50 megawatts and greater. Having said that that, because of
geothermal, there's this unique carve-out for the
wells and the conveyance lines, so those are not
a part of our permit, but like I said before,
they are part of our environmental review.

And there were comments earlier about
Environmental Justice. That is a standard
component of our Environmental Document, they
have been for going on a couple decades. It has
evolved over time. We follow the U.S. EPA
guidance now on how to conduct an Environmental
Justice analysis and ensuring meaningful
participation in our proceedings, and we work
very closely with our Public Advisor's Office in
that regard to ensure that our noticing is very
inclusive, and we have provided translation of
documents and interpretive services at workshops
and hearings.

There are many opportunities, I just want
one other aspect, there's many opportunities in
our process for public participation. There is
an initial meeting that is called an
"Informational Hearing and Site Visit." It's
kind of like the Scoping Meeting under CEQA where
the public has an opportunity to make comments,
that's the first event where our Energy
Commissioners introduce themselves and staff introduces the process, and the Applicant discusses their projects.

We hold workshops during the course of the proceeding, the primary one would be the workshop on the staff assessment, Preliminary Staff Assessment, and then at the evidentiary hearing. Both the workshops and the hearings, there's always an opportunity for the public to comment.

We maintain a docket, so a Listserv and an e-commenting feature so the public can make comments to that regard and staff, mostly through our Project Manager, will monitor that and make sure that staff is aware of all those comments and considers them in their assessment.

The hearing process, I've already touched on this, it's an adjudicatory process, it's kind of like a Court of Law where witnesses can present testimony, they can be cross-examined by other parties, counsel, there's a redirect, and there is the Commissioners sitting up there and a Hearing Officer is running the event, kind of like a Court of Law. Next slide, please.

I loaded this earlier, there's this
opportunity for a Developer of a power plant
between 50 megawatts, but under 100 megawatts, to
obtain an exception from the Energy Commission.
So that means that if the exemption is granted
that the permitting authority would not be the
Energy Commission, it would be the local
government, in this case Imperial County.

So, the Commission can exempt the project
from its certification requirements and pass it
on to the County for permitting if it finds that
the project will result in no significant and
measurable impacts on the environment or energy
resources.

And the process that staff would follow
here, the Commission would follow, it's more in
line with the typical CEQA process, the document
that we produced. Over the years, there have
been Negative Declarations and Mitigated Negative
Declarations probably more so in the case, but
also of late, Environmental Impacts Reports.

And so, if the findings can be made that
there's no significant impacts on the
environment, energy resources, the exemption can
be granted. The County in that case would rely
on the Environmental document prepared by the
Energy Commission to the permitting of the project.

So, we work very closely with local agencies and all the other permitting agencies as the responsible agencies under CEQA to ensure that document is usable by those agencies and with an attempt to avoid them having to do a Supplemental CEQA review. Of course, if this major project changes, that's another story.

Next slide, please.

And this is just an overview of kind of a flow chart of what the general CEQA process looks like. And if we were doing a small power plant exemption, which is not a part of our certified regulatory program, so we would prepare a normal typical CEQA document, that most folks here are accustomed to. Next slide.

And these are the topic areas that would be included in our normal CEQA document, right out of the Appendix G Checklist of CEQA, very similar to the ones that appear in our certified regulatory documents. We just combine some of the topics areas, population, housing and public services, recreation are all combined into our Section Code socioeconomics, and Air Quality
includes greenhouse gas emissions. Next slide.

Here are just a couple of examples of some operational geothermal projects and who permitted them. Lakeview, geothermal projects, this is a 110-megawatt geothermal plant located in Sonoma County and the Geysers, a known geothermal resource area, KGRA near the town of Cobb. But it was larger than 50 megawatts, the CEC was the permitting agency and conducted the environmental review. And there's the COSO Navy 2 geothermal project, this is an 80-megawatt geothermal facility located in Inyo County, and there's China Lake Naval Weapons Station, it was between 50 and 100 megawatts, therefore it was eligible to apply for a small power plant exemption. CEC conducted the environmental review, found no significant impacts, and exempted the project to local permitting. Next.

This map shows the operational geothermal power plants in Imperial County. They're noted by the brown circles showing their approximate locations. The table gives the net generating capacity of each plant. And so, as I had said earlier, all these plants were under 50 megawatts at their start during the permitting, so the
permitting was at the local level under Imperial County.

There's been modifications with these facilities over time, but unless they're greater than 50 megawatts or a greater addition to an existing facility, it wouldn't require CEC certification, so they stayed with the County.

I would just note, and you probably heard this at the last meeting, as I recall, that the CEC is opening a rulemaking proceeding to streamline the requirements for local agencies that seek delegation authority to permit geothermal power plants.

If Imperial County seeks and is granted that delegation authority, the County would be the lead agency for the environmental review. Any new geothermal plant in the County would also be given the permitting authority responsible for issuing the permits.

There's an associated rulemaking that would streamline those small power plant exemption processes, so the process that is available for power plants not exceeding 100 megawatts. Next slide, please.

And the next couple of slides are just
some links on our website where you can find additional information and some general power plant licensing information, links to Title 20, the Public Utilities Energy Section of Title 20 that is our -- regulations like that and the siting exemption processes. Next slide, if you can click, there's a link that gives you a listing of all the power plants that have been certified by the Energy Commission or presently and the licensing process about how to participate as a public member in siting cases.

The last slide, there's my contact information. And that concludes my presentation.

I thank you very much for your attention.

CHAIR PAZ: Thank you, Eric.

MR. KNIGHT: You're welcome.

CHAIR PAZ: Next, we have Noemi Gallardo from CEC who will share about how the Office of the Public Advisor, Energy Equity, and Travel Affairs provides information on how to participate in business meetings, workshops, and formal proceedings at the California Energy Commission. And I do want to note with Noemi's presentation, again, that this could be sort of a model to consider moving forward on how the
permitting is working maybe on either the ground or the County level. Noemi.

MS. GALLARDO: Buenos Tardes, good afternoon, thank you Chair Paz for that intro. Vice Chair Kelley, Commissioners, everyone, it's an honor to be here with you.

As Chair Paz said, I'm Noemi Gallardo, Public Advisor at the California Energy Commission, also leading the Office of the Public Advisor Energy Equity and Tribal Affairs.

I am presenting to you to highlight the role of the Public Advisor and the practices implemented by the Energy Commission to help ensure community engagement and stakeholder participation. And, you know, potentially to use as a model, or at the very least the practices you can consider as you strategize about the needs for the Lithium Valley vision when you're crafting recommendations for the report, you'll produce later this year. Next slide.

The purpose of my role is to help ensure that public can participate and engage in the Energy Commission's planning, site and facility certification, energy conservation, emergency procedures, and all CEC proceedings including
Business Meetings and Workshops.

And I really appreciate that the Energy Commission has this role, not solely because it's a dream job for me, but I really enjoy it and it helps me put a roof over my children's head, but also because energy is such a fundamental resource that impacts everyone's daily lives and we should have someone in a leadership position to ensure that public knows what's happening, can help education them, inform them, engage, and really have all Californians involved in the process.

So, as you talked about earlier, this knowledge and opportunity to participate is an equity, inclusion, and Environmental Justice issue. I just want to highlight that.

Here are some key features about the CEC's Public Advisor role. So, it is mandated by statute in the Warren-Alquist Act. The Public Advisor must be a licensed attorney, who I am, nominated by the Energy Commission and appointed by the Governor for a three-year term.

The requirement for legal training is key, I think, to ensure that the person can better understand the perimeters and contours of
the laws that we apply and must abide by when it comes to energy and engagement, including the California Environmental Quality Act (CEQA), the Public Resources Code, the Dymally-Alatorre Bilingual Services Act, legislative mandates, and others.

And I think for this type of job where relationship building is essential to creating trust, which is the foundation for equitable social infrastructure, the three-year term is too short and five years or more would be better, but at least we got three years here.

And I do report directly to the Chair, which shows this work with engagement is high profile, it needs to be close to the head of the agency so that I can provide recommendations directly to him.

Another critical aspect is that the Public Advisor advises both the public and the CEC using different mechanisms, of course, but advising both. And the Public Advisor is not supposed to be an advocate for or represent a representative of the public, you're not supposed to side with anyone, this is a mutual role that focuses on informing during outreach and
This is the visual we use to explain to the public what we do. We're a bridge, intentionally built to connect the public with the Energy Commission. And this happens to be the Tower Bridge in Sacramento, small and mighty, just like my team, so I like to show it off.

So, the Warren-Alquist Act outlines some essential duties for the Public Advisor. This is a lot of text here, but I wanted to show you that the language used was "shall" meaning that these actions are required.

And it's a lot ensuring full and adequate participation by all interested groups in the public, ensuring timely and complete notices that are disseminated to all, advising groups of effective ways to participate, and recommending to the Energy Commission additional measures for participation. These are all good practices and I'll emphasize that we view these as the floor, and always aim to do this well and to do more.

Our Regulations also added more duties that are important to helping us better inform,
education, outreach to and engage with the public. There's a long list of duties, I listed a few of them here, which you'll see on the left side, and we've taken that and done more, which you'll see on the right.

For example, we respond to all inquiries we receive. We tailor responsive and do not have any canned responses. We log all of the correspondence to keep a record of who is engaging with the Energy Commission. We not only refer the public when they reach out to staff but seek out subject matter experts who can provide the most accurate information and be responsive to the specific ask that we're getting.

We don't just solicit participation, we engage stakeholders at the stage they're at, and at the level of understanding they have of the Energy Commission and our processes, and we will walk them through each step and do one-on-one education and even handhold if we need to, just to ensure that they know what they can do to engage. Next slide.

And here's how we've expanded our scope of practices beyond the legal requirements in the Warren-Alquist Act and our Regulations. So, we
aim to build relationships for staff with the public and stakeholders so that there's more robust engagement and connections happening throughout our effort.

A group we often work with and have come to rely on for guidance about how to improve our efforts to increase benefit for disadvantaged communities and low-income communities, in particular, is the Disadvantaged Communities Advisory Group, known as DACAG, who is the agency's key advisory body.

The Public Advisor also serves as a convenor for interested groups, including Energy Commission staff and our peer agencies. An example is the picture shown here of a roundtable discussion that my team put together to have leadership staff and advocates and community leaders an opportunity to talk about key issues related to equity and Environmental Justice. In this instance, it was about transportation and electrification, and that helps influence decision-making, policy development, and project information to make it more valuable for all Californians and those in disadvantaged communities and low-income communities, in
particular, and fencing communities as I’ve heard earlier today.

We're also advancing equity and Environmental Justice efforts by creating a framework, an assessment tool for our efforts, and an Action Plan that's happening this year through the IEPR proceeding. We've also expanded to include Tribal affairs in my office, which helps to support all divisions who want to engage with the tribes and to do consultation with them.

We also support language services and work with siting staff, like Eric, who presented earlier, to ensure when we're doing the work that is place-based, that we provide interpreting and translation in the languages of the community, not just what's required by law into the Damali Alletory Bilingual Services Act or CEQA, but languages provided by local government, as well as what the community asks us to provide. For example, with this Lithium Valley Commission proceeding, we've focused on Spanish and Purepecha.

We're also leveraging the Commission's website and social media channel to help get the word out of the different methods beyond our List.
Servers. Next slide.

Here are some images of place-based engagement we're doing in the Salton Sea region that's helping connect the State with local leaders and just residents, in general. I think this type of engagement where the Public Advisor can support getting the Energy Commission and other state agencies to where the community is located must be done and is critical to ensuring we can understand the dynamics and the landscape of the area. It's essential for us to know how the State's decisions could affect the people and the land.

On this note, I'll say thank you to all of you for the warm welcome we've received these past few months, as various state officials have been visiting the Salton Sea Region. Specifically, thank you to Chair Paz, Vice Chair Kelley, Commissioner Scott, Lopez, Olmedo, and Ruiz for introducing us to and guiding us around your home there. Thank you to Commissioners Weisgall and Colwell for enabling us to tour the sites of your projects.

I'm looking forward to visiting again and have received a lot of feedback from other at the
Energy Commission and at other State and Federal agencies actually who want to visit and contribute. You're all very popular, so stay tuned for some requests. And in these pictures, you will see some familiar characters. Next slide.

I'll conclude by providing my contact information in case you want additional details about any of our practices, or my role specifically, and I am available for questions now, too, if you have any. I know we're tight on time but wanted to leave that with you. Thank you so much. That concludes my presentation.

CHAIR PAZ: Thank you, Noemi. And next we have Jim Minnick from Imperial County Planning, who will discuss Imperial County's permitting process and the environmental review performed by the County for the EnergySource Minerals Project ATLiS.

MR. MINNICK: Thank you for inviting me. Thank you, Commissioners, for taking the time to listen to all the speakers. It has been quite a bit of good information. I do not have a PowerPoint, I figured at this point in the game a PowerPoint is not something you want to have to
continue to see, so I chose not to do one. That said, I'm going to keep this relatively brief. What I'm going to do is I'm going to go over the County's geothermal process, the CEQA process, the ATLiS Project, and a current update of projects that we're working on.

So as most of you know, the County of Imperial has been involved in geothermal resource development for quite a few years. Basically, we can track it all the way down to wells in the 1920s for Carbon Dioxide processing. But we really got it going in the '70s with the first stabilized geothermal production wells.

Currently, depending on how you do the math, we have 20 plants throughout the valley, generating almost 600 megawatts of power. That is just a small bit of power from the geothermal resource that has been identified. And in the 2014 VRECP, they identified 2,800 megawatts of power that could be produced in Imperial County from geothermal resources by 2040.

What we're going to talk about today, though, has to do more with the area around the Salton Sea, which we call the Salton Sea Geothermal Resource Area, or KGRA, it's one of
nine KGRAs we have in the County. This one was identified in 1981, it's called the Salton Sea Anomaly. And it was proposed to produce up to 1,400 megawatts. We currently have around 400, or near 400 megawatts being generated in the Salton Sea geothermal area.

Currently, we have three projects that we're working on, one is, as mentioned earlier, the ATLiS Project. I'll go into more detail later. That has already been approved and is in the process of getting Building Permits. The Hells Kitchen, or Controlled Thermal Resources, which one of your Commission Members is in charge of that, has been submitted to the County and I'll talk about that in a little bit in a minute.

And then of course, Berkshire Hathaway, and Jonathan has been a longstanding Commissioner and they are working on their pilot projects and you're probably aware of that, too.

So, let's talk about geothermal first. The County has a two-part process with geothermal development. The first part is a Conditional Use Permit for exploratory wells and exploratory well field. An operator will typically come in, go through the CEQA process which I'll talk about
again later, and the Conditional Use Permit
process to identify areas where they feel that a
geothermal resource is potential. If approved,
the Developer will then do exploratory well
drilling. If the resource that they drill for is
found to be valid for commercial purposes, they
will then come back to the County and process an
additional Conditional Use Permit for a
géothermal power plant and, as mentioned earlier,
up to 49.9 megawatts is what the local
jurisdiction has authority over right now.

Once that project has been
environmentally reviewed and ultimately approved,
the two Conditional Use Permits are merged into
one, and so the operator would have a single-use
Permit that covers the well, the well fields, and
the plant.

So now let's talk about briefly the CEQA
process from a local perspective. As many of you
know, CEQA was established in the State of
California in 1970, not long after NEPA or the
National Environmental Protection Act was
approved by the Federal Government earlier in
1970.

We all have to follow the CEQA process,
there is no deviation from that, but for those of
you on the call that don't know much about it,
let's walk through it.

An application is brought into the
County, or any county. The County has 30 days to
review the application for completeness. If it's
found to be complete, we proceed forward; if it's
not, we reject it. CEQA has timelines that we
have to proceed with following up projects from
beginning to end.

The other thing that's important to
understand is a CEQA process is, at the end of
the day, a tool for decision makers to make a
decision on the discretionary action. It is not
an approval or denial of a project. CEQA cannot
do that in itself. It's literally just a
mechanism to help the public understand and the
decision-makers what the potential impact of a
project is.

Once an application is determined to be
complete, the processing, we would then start the
initial study, or it's called an Environmental
Checklist, it was mentioned earlier that these
checklists have a number of categories. These
categories, they were already posted, but just to
highlight them, air quality, cultural resources, greenhouse gases, energy, hydrology, population and housing, traffic, noise, biological resources, and so forth. And every couple of years they add more to that.

So, if you were to go back and look at a CEQA Checklist from like 1980 versus one that's adopted in 2021, they are significantly different. So, we are learning as we go, and we are adding more every year as to how to environmentally assess something.

Once the initial study has been drafted in our County, what we do is we hold a public meeting, we notify through the notification process -- and let me walk through that for a moment. In the County we do a Public Notice of adjacent property owners. Depending on the zoning, it can go from 1,000 feet to half a mile. We notice in the newspaper of largest circulation. We also go so far as to notice, in addition to our highest circulation, we will notice in the newspapers of the area's circulation.

So, for example, if it's a project in the north end, not only do we notify in our IV Press,
which is our largest circulation, but we'll also post Public Notices in the Desert Review, which happens to be the Brawley area newspaper. So, we do get the Notice out, we also notify all applicable agencies and apartments, and local cities that are within the area that we think.

So State, local, Federal all get notified of a potential project. Our first hearing is called the Environmental Evaluation Commission Hearing and what that does is that reviews staff's prepared initial study in a public process where the public, the agencies, and the Commission all have an opportunity to review that document and come to a conclusion.

All CEQA documents come to one of three conclusions. The project receives a Negative Declaration, which means there is no impact, or no significant impact on the environment in any of those categories. A mitigated Negative Declaration, which means there were impacts, but mitigations have been found and agreed upon and incorporated to reduce the project to a less than significant determination, that's called a Mitigated Negative Declaration.

All our projects will receive the
requirement for an Environmental Impact Report, which we've talked about earlier, an EIR. In our County we have to go through this process with every project; however, on larger projects applicants to elect to voluntarily agree to do an EIR up front. That is something that the ATLiS Project, did, which we'll get to, did so they did not go through this CEQA -- this Environmental Evaluation Committee Process.

However, if a document has received a Neg Dec or a Mitigated Neg Dec at the conclusion of this hearing, it would then be publicly circulated through the CEQA process for 20-35 days, and then proceed forward with comments and responses, and ultimately to a decision-making body.

And EIR, however, if found to determine like this, we then have to go through a different process. An EIR requires a comprehensive analysis. Basically, it tells you that after we've done this checklist, we have questions that we cannot answer through the regular process, and studies need to be prepared.

This EIR process for the County, we do what's called an arm's length approach, we do not
allow the Applicant to prepare the initial study, and the County does not prepare the initial study. We hire a third-party contractor to do it. That process is done through an RFP. Once the responses come back from an RFP, staff reviews it, we get together with the Applicant, we provide them copies of it, they review it, and we ultimately make a decision. The key part on that decision-making process, other than them providing us with a quality response, is to make sure the Applicants themselves have not been under contract with the consultant, either currently or in the recent past, so that we know that there's no conflict there.

Once we go under contract, the Consultant and the Applicant cannot speak to each other without the County involved in it. We keep them separate whenever possible. They can be part of the communications, but it cannot be exclusive of it, we don't want them talking to each other.

One of the things that an Applicant will do a lot of times when they are preparing a project to be submitted to a jurisdiction is they will prepare a certain number of studies which you would call due diligence, so an example, if
you had a housing project, you would probably go out and do a traffic study before you submitted a project to kind of get an idea of what your impacts could potentially be.

These prior assessments or Analysis, we'll accept those as part of the project package so far as the EIR Consultant that we hire peer reviews it. And if they peer review this, let's say Commissioner Ryan prepares a traffic study and he prepared it for Commissioner Jonathan. And Ryan liked working for Jonathan, so he made sure it was a good quality outcome. Well, I hire Commissioner Ruiz and he says, "You know what? This isn't good, this needs to be changed." We have the opportunity to either require Commissioner Ryan to redo it or throw it out and start from scratch. That's the process that we take to make sure that we have a valid document across the Board. So, it pays Commissioner Jonathan to do a really good job of paying Commissioner Ryan to do a quality document, which we know Jonathan will do.

Thank you for letting me use you guys as part of the comments, or conversation.

Anyways, once the initial study has been
prepared internally, or once the EIR has been prepared internally -- I'm sorry, let me back up one step -- when the Consultant comes on board, we do what's called a Notice of Preparation, you heard that term earlier from a prior commenter. The Notice of Preparation essentially is a public informational document that tells the public that we are preparing an EIR for this particular project and we are soliciting comments for what the public or agencies want to see in the EIR.

So, it's not to comment whether it's a good project or a bad project, but it's to comment what they're looking for. We want to make sure that we're preparing a document that is going to address concerns that the public has before we actually release the document, it's very critical.

And under CEQA that process is a 30-day public review, comment review period. The other thing that CEQA allows is a Scoping Hearing, or a Scoping Meeting. It's not required, but it's allowed, and this County does two of them. They hold them about halfway through the Notice of Preparation Period, so if it's a 30-day period around Day 15, we hold a Public Scoping Meeting
and we have one at 1:30 in the afternoon, and then we have another one at 6:00 p.m. to make sure we are trying to cover a majority of the peoples' availability.

Once that time period is over, we release the Consultant to prepare the Draft EIR, they'll prepare what's called a Screen Check and an Administrative Draft. The Administrative Draft is reviewed internally by the County, it is not allowed to be reviewed by the Applicant. Once we've looked at it, then it goes to what's called a Screen Check Draft, and that is when the Applicant has a chance to take a look at the document.

The Applicant can help us with correcting errors that we may have on their general project, but they cannot change determinations that are found in the EIR, that still has to stay independent.

Once we have that done, we will release a Draft Document that is 45-day is the minimum time under State law, we do it for 50 days, we want to make sure that we definitely cover our bases. During that review period, the County will receive comments.
It was mentioned by the lady from the Center for Biological Diversity that we received three comments for ATLis Project, that's part of that commend period process. Any comments that are received are then reviewed and, if responses are warranted, they are provided.

Then the final Environmental Document is prepared, which essentially is the original draft document plus comments and responses. Additionally, if comments were a substantive point where it resulted in the need to recirculate the document, that can occur as well.

Once everything is set up, then we go forward with the Planning Commission. Now, this is the third time a project has been presented in some form, it was presented at the EEC, it was presented at the Notice of Preparation, and now it's been presented at the Planning Commission.

The majority of EIR projects require the Planning Commission to review and make a determination to the Board of Supervisors. The Board of Supervisors would then make the final decision, and that would also be a public hearing.

So, the project by the time it's done
will have three to four public process hearings in some form. Plus, notifications every single time in the newspaper, every single time with the property's owners, and every single time to agencies. All of that is done on a continuous basis.

If the Board of Supervisors approves the project, then there is a Notice of Determination that is finalized, it must be done so within five days. After that, legal challenge is available for the next 30 days through the State Ordinance.

All right, so that's how a CEQA process normally works in our County. The other thing I would like to point out is the County has what is called the Rules to Implement CEQA, it's available on our website, it is also a requirement of CEQA to have that, and it identifies exactly what I'm saying, but probably in a better tone than I am presenting it, and most likely without any verbal edits.

Next thing is ATLiS. ATLiS is a renewable energy project, it is the currently approved mineral extraction facility, it is not the County's first one; that goes to Berkshire Hathaway, they did a Zinc one in the late '90s.
and early 2000's. They were so successful that they blew out the market and stopped doing it. But they know better than anybody else how to extract minerals from geothermal brine. Don't let Jonathan tell you that he's practicing and trying, these guys are experts at this.

That said, in the early 2000s we processed a project called Simbol. It proposed to use the Hudson Ranch brine and that project was ultimately approved, as well as the sister project called Simbol II. However, neither of them got passed with testing facility stage.

It must have, however, attracted Hudson Ranch because they came back and developed their own process, and we processed a project called ATLiS. ATLiS was submitted to the County in July of 2020. We went out -- they requested that we do an EIR, so we did not have to go through part of that determination process, it makes it a little more efficient, also makes the process go faster.

ATLiS proposed to develop a Lithium extraction facility, or actually technically a mineral extraction facility adjacent to the Hudson Ranch projects, right, to use their brine
source. They are proposing 19,000 cubic tons of Lithium, 20,000 cubic tons of Zinc, and 60,000 cubic tons of Manganese each year.

In the scale of larger projects, this is a pretty middle of the road one, but it's going to be nice to see one actually up and running.

The EIR process from the time we started in July, we went out for contract in August, we put Chambers Group under contract in September. The Planning Commission heard this project in October, and ultimately it took 13 months to go from the beginning to the end.

CEQA gives us 12 months to do that, so we went within their time frame, we have found ways to make it more efficient subsequent to that. One of the things was we used to have to go to the Board of Supervisors to sign a contract for a consultant who is using applicant funds to do a project, we no longer have to do that. That would cut about 30 days off our process, for those of you who are interested in that type of information.

The other way to keep a project on task is if it doesn't change. Jonathan, this is for you. Once the project comes in, you're going to
have to have a pretty solid project description because any time you make significant changes to that, it starts and stops the CEQA review process. There's no way around it.

Anyways, the conclusion of this Environmental Document found a couple things. There was what's called a Mitigation Monitoring and Reporting Program required for all CEQA documents. The mitigation measures that were the impacts from this project involved biological, geology, paleontology, traffic, and utilities. None of these actions were significant, they all were mitigated to less than significant, and there was no overriding consideration required for this project.

Very important to understand, an overriding consideration which is allowed by CEQA is where a jurisdiction makes a determination that regardless of the impacts, the project as a whole has a more beneficial aspect than the impacts, and there is no mitigatable process where you can reduce the impact to less than significant.

Examples locally would be our commercial mall that was developed in the City of El Centro.
There was no way to fully mitigate all of the traffic requirements, but the City determined that it was more advantageous to have a mall for its community than it would be to not do it, so they did what's called an Overriding Consideration.

The County of Imperial, however, is not in the business of doing Overriding Considerations. I've been here since 1997, we have yet to do one since 1997, so we do take our CEQA process very seriously and we work very hard to make sure that all impacts are mitigated.

Beyond that, the project has proposed to commence operation for construction purposes in the middle of this year, and they're proceeding forward right now with the review of their project descriptions on Building Permits. We're expecting that by June.

They are still working on the Air Quality Permit to Operate, Permit to Construct documentation, and that's about it on that.

With regards to -- I'll answer of course any questions you might have -- but with regards to the CTR Project, really really quickly, the project came in in December of 2021, we got under
contract in January of 2022, we kicked off the
CEQA process in February. Our Notice of
Preparation will start on March 31st and go to
May 13th, and our Scoping Meeting for that
project will be on April 28th. That's it for me.

CHAIR PAZ: Thank you, Jim. And again,
thank you to all of the presenters.

At this point, we can take questions from
the Commissioners. Ryan.

VICE CHAIR KELLEY: Just a quick question
for Mr. Minnick. On development impact fees for
special districts like Calipatria School
District, I had the question last night, will
EnergySource impact fees be at occupancy, or
Notice of Construction, or what is -- when will
that happen?

MR. MINNICK: Typically those types of
fees are usually required before we issue the
Building Permit. They can make arrangements with
the individual School Districts to delay it, just
like they can also do the same thing with the
County, with the County impacts, I mean the
particular project.

VICE CHAIR KELLEY: Thank you.

CHAIR PAZ: Commissioner Olmedo.
COMMISSIONER OLMEDO: From the earlier presentation, presenters in Panel 1 brought up a considerable amount of concerns. I did notice that the CEQA analysis for the State includes aesthetics and cultural forestry, air quality, biological resources, cultural resources, energy, geological soils, greenhouse gas emissions, hazards and hazardous materials, hydrology, water, land use planning, mineral resources, noise, population, housing, public services, recreation, transportation, travel, cultural resources, utility service systems, wildfire, mandatory findings, and I don't know if that's an exhaustive list or not.

I also heard from Lisa Belenky that there is no community input other than a couple of agencies or industry that had submitted comments. I also heard that I think -- was it limited to one newspaper for the EnergySource project -- and another county seeks to have authority over 99 megawatts.

And I just wonder, it didn't seem to me like there's a lot of confidence in whether the county can expand or pay attention to a lot of these other concerns that clearly were not
considered. It just seems too different standards, the County Standard, the State Standard, I imagine Federal has different standards.

I would say we are looking to create the gold standard and out of all these standards, wouldn't we be trying to pull in, you know, the County seeks to do above 50 megawatts, wouldn't it be a good sign right now to start pulling in more, looking at more versus less?

Again, I just don't -- I cannot understand how a project has zero community input, it just doesn't make sense and I was wondering if enough was done, if there was translation in Spanish, if there were community meetings happening.

I'm not putting it on the County, I don't know if the Applicant is the one that needs to do that, or not. But I would assume that this stuff will have to be publicized in numerous media channels. Or is it that the County is just doing the bare minimum.

In a financial scale, any time that we're not considering all the environmental impacts, and full mitigation -- and I'm glad, you know, I
really appreciate the fact that the County does still have a higher level than municipalities of not bringing in -- not just stamping a overriding considerations, I was very pleased to hear that, say we have a higher standard in terms of those, but still seeing lower standard when it comes to State and the things that they're looking at.

What can the County do to build confidence -- and I'm not sure that's a question for you, Jim, necessarily, or is it the County Board? I mean, it wouldn't be unusual that -- and only because we have, Comite Civivo have challenge in the past. CEQA processes that clear the process, clear the system, but then we find concern. I've known Lisa Belenky from years, you know, that she's been involved in similar scenarios where they file locally, or State, or Federal, but these projects are still getting through.

And the way that I interpret it is that we're trying to build the gold standard. What does that look like in modern day today, not 100-year-old policy that may have been designed to support the agricultural industry, for example, because it has been our major industry. How do
you update CEQA in local vulnerabilities,
everything has to do with our ecosystem to assure
that new projects in the specificity of Lithium
and Geothermal are looking at those specifics,
fence line communities, and all the other things
that could potentially pose a threat, a harm,
that could be avoided, could be mitigated. Every
dollar, every -- you know, whether it's
overriding or anything that gets through,
somebody is going to have to pay the cost for
that. And it just reminds me that because you
mention now, as you were communicating with
Commissioner Weisgall, that they do it so well,
but we can't ignore the fact that industry still
is given Notice of Violations and other things
that, you know, may not be part of the CEQA
process, but it could have been as a result of
not catching it through the CEQA process and
making sure that everything they're doing gets
fully mitigated and the harm not transferred to
the community.

Now, again, I've already got used to 20
years of you either for or against. I'm not for
or against, I mean, I'm for making sure that
everybody is doing what they need to do, that's
CHAIR PAZ: I see Jim Minnick, do you have --

MR. MINNICK: Yes. Luis, first, thank you for the higher standards compliment, I don't usually get that one and I appreciate it.

With regards to the total list of CEQA analysis, you're right, I didn't list them all, there are 20 actual categories, there's nearly 80 questions that have to be answered with regards to a CEQA document.

We all have to comply with the same rules of CEQA, even the CEC does, unless they do the equivalence, which is their certified program which still has to match CEQA's concepts. So, we are all following -- if we're doing our job right, we're following the right process.

With regards to comments received, the jurisdiction can only work as good as they do with notifications. It's up to the individual and I have been on plenty of projects where the Center for Biological Diversity has commented. They did not comment on ATLiS. I can't force someone to comment if they don't want to.

That said, you asked a question about
public outreach. Typically, the County doesn't do public outreach on individual projects, that's usually the Applicant's job. But if the County is updating its Codes, then, yes, we do public outreach. So, the last time we did our elements for Geothermal, we had public outreach.

We always encourage the Applicants to do public outreach. In the case of ATLIS, they did reach out to the Chamber of Commerce of I think Niland and Calapatria area, they also reached out to job training facilities. Did they reach out to hold a public open house?, no, not that I know of. I checked with them today. But it's up to the Applicant to do that.

Normally in the north end, we do get Applicants that go to the Niland Chamber of Commerce and do presentations. So, I hope that helps answer the question.

But if there are other ways to get the word out, then by all means I'm open for it within the confines of the law.

COMMISSIONER OLMEDO: I have follow-up. So, I think I get a takeaway here and it's the importance of the industry, or the individual Applicant to do the outreach, and I'd like to...
make sure that is a recommendation that is included into our report. I know that Commissioner Kelley did a great job with his appointed advisory on the north end, so I really appreciate that and the industry showing up and sharing their knowledge, expertise in the projects that they are doing.

Also, you know, we use this as an example, I'm not trying to necessarily make anyone feel bad, but for so long we keep hearing the emissions are just steam and condensation, there's nothing to see there. How is the community to really comment on something that is being sort of marketed to them as it's Mother Nature's gift to community and to people, there's nothing to see here. How does the community then -- what do they comment on? Is that the summary of the industry? Or are they databases, websites, information that the community can get a hold of to understand what exactly they're looking at? What does it mean to them and the communities, whether it's Benzine, close proximity, or whether it's sort of the distribution of emissions in a certain direction, or trajectory? How does a community know what to
look at if they're having to compete with projects?

And I'm remembering another mining project that was being proposed in the Indian Pass and saying, "Oh, this is great, you know, for Salton Sea. There's nothing to see over here." And it kind of reminds me again, are we not to look at anything because it's Mother Nature's gift? Or is there something there to see and, if there is, where do you find it? And how does the public have a fair opportunity to be able to look at this information and make sense of it, or if it's a community that is disadvantaged really going to have to pull their money together to find a CEQA attorney like Lisa, or academics and researchers, like those that presented today, to be able to level the playing field? How do you do that in a disadvantaged community? Because historically we know that it is communities of low income, communities of color, disadvantaged, you know, there's plenty of research and data out there that says, well, this is a great location to go out there and build, and not necessarily having to pay the cost of the socioeconomic impact and environmental impacts.
So, I just wanted -- you know, I'm not throwing it all at you, Jim, but I was just kind of thinking that I hope these are all captured into our report and what is the solution to all of that so that we end up with the gold standard industry I would hope would be replicated across this nation to other industries?

CHAIR PAZ: Jim? Did you have your hand up? Or is that from the last time?

MR. MINNICK: That's from the last time, but I can talk for a moment if you want. You know, Luis, one of the reasons why we go after a third-party review is to make sure that the analysis is done impartially and is done by experts.

The EIR and all of its supplement documents, it's a lot to take in, but the information to the best of the ability that the County can find is there. The reason why you have people like the Center for Biological Diversity, or Sierra Club, or even some of the Unions, is to challenge that information, to look at it to make sure that what the County is putting out there is accurate information.

But we do use the best people that we can
for who we can get. That's why we don't rely on
the Applicant. Other jurisdictions allow
Applicants to prepare their Environmental
Document. We don't do that; we have never done
that. And we will not do that. We make sure
that we do it as a third party. And so that's
the only assurance I can give you is that we work
really hard to make sure we have experts looking
at these projects.

At the end of the day, it's important to
understand, too, that a CEQA document is only a
tool; it's up to the decision-makers to determine
whether a project should be approved. CEQA
cannot approve or deny a project, I can't stress
that enough. It is your elected officials that
also may decide whether that project is to go
forward.

CHAIR PAZ: Thank you, Jim. I have a
couple of questions and maybe this will expand a
little bit on Luis's comments about the number of
people or public comment that was received in
this one project.

We talked about the Notices, and you
mentioned that there's notice given to
landowners, and then like in the newspapers you
will publish the notice.

But when we're talking about these Lithium projects, I mean, most of the land is either agricultural surrounding or it, you know, it looks empty, and I'm sure it's owned by someone.

But I think if we only focus in notifying the landowners next to the plants, then we're probably not reaching the vast majority of the population, and I'm wondering if there is a way in which the communities in proximity could be notified so the residents who live in Niland, for example, the residents who live in Calipatria, even though that's not part -- and not just through he newspaper hoping that they're going to read it, but if there's any other ways. Or what would it take, right, to do that?

MR. MINNICK: Well, for large projects, first of all, we do notify the community, like the community of Niland, we don't do a direct mail to them, okay, but we would notify the Chamber of Commerce. Projects we could post signs or flyers that notify their hearings are coming up. Things like that do happen on projects; not every project, it depends on the
level of the project.

But based on what the Regulations are, we also put it on our website. If you are a group that want to be notified of all their Agendas, we can send those out, as well. We can email those out to everybody. We have certain people, like for a long time the Sierra Club wanted a list of all projects that came through and every time there would be any type of notification, they wanted to be a part of it.

Luis, your group can put that request into us and every year renew it, and we'll send you a copy of every agenda that we have, every public hearing that comes up. But based on the Regulations under the California Rules, we are adhering to that and/or going beyond that.

CHAIR PAZ: Okay, thank you. And I appreciate that. I'm just sort of elevating the fact that the Regulations can be the floor, right, and how can we get creative so that we're hitting the regular, the average person, not someone who has a business and then would hear it from the Chamber of Commerce, for example.

And, I mean, the nonprofits who sign up are probably going to do a great job, but just to
put it out for consideration is how might we
create processes that really reach the average
person or resident near the communities. And
what would it take, right? Because I know
everything takes resources and time.

The other question that I have is with
the CEQA. So, you mentioned that the first sort
of step is the determination process and it can
result in either a no significant impact
determination, or something else that I missed,
and then depending on what the determination is,
it would trigger an EIR. Is that -- did I
understand that correctly?

MR. MINNICK: Yes. All CEQA outcomes are
one of three, a Negative Declaration, which
sounds bad, but it actually is good because
government does weird stuff with words, but a
Negative Declaration means that the project has
no impacts.

Let's say you take an 80-acre parcel and
divide it into two pieces for farming purposes,
that's called a subdivision. That subdivision
would most like have no impact because all you're
doing is basically drawing a line, an imaginary
line in between two things.
A project that may have some impact, which is the middle level of an Environmental Document, it's called a Mitigated Negative Declaration, and what that means is there were impacts, but they were mitigated. So, example, there were some slight traffic issues, but if you do a turn lane and a diesel lane, that mitigates the impact. It reduces it to less than significant.

One of the things we didn't get into because it's pretty complicated, and maybe if you invite me back, we can walk through it, is how the environmental checklist under Appendix G of the State Code is set up. Every one of these, we mentioned a minute ago that there were 20 categories; each category has anywhere from two to 10 questions. Each question has four outcomes.

The question is will this project -- say it's a hydrology one -- would this project have an adverse effect on hydrology in the area? And the check box is no impact, less than significant impact, potentially significant unless mitigation is incorporated, and potentially significant impact.
Depending on the checklist, depends on how much more analysis happens. So, if it's in the no impact, or less than significant impact, you explain why you've made that decision, you have to answer every question in a checklist. If it's potentially significant unless mitigation is incorporated, you have to provide the mitigation measure. Not all mitigation measures require studies, some of them are pretty standard things, but they still require an impact to be resolved.

And then if it's in the check box that says potentially significant impact, it means we at this level don't know if there's an impact and a study must be prepared, so we'll go back to the traffic one.

This happens to be a project that has 80 truck trips. The Public Works says that's a small road, we don't know what impacts are going to be on the adjacent road, or five miles down the road impacts to intersections. So therefore, they say, look, that's a potentially significant impact, we need a traffic study to be prepared. The traffic study has to be prepared before the CEQA document can be circulated. So that's where an EIR comes into hand. If you have a traffic
study that's required, an air study that's required, a biological study because it happens to on the Playa, you know, as opposed to disturbed farmland that you probably wouldn't have something, right? Those categories require those additional studies.

So, when I was talking about the three outcomes, it really depends on the nature of the project. And keep in mind, under CEQA, the definition of a project is not the same as what you and I recall of a project. Like, you know, I might call our house a project, CEQA doesn't call that a project. CEQA identifies projects as actions that require discretionary approval, actions that require funding from the state or the Federal Government. Other than that, it's not a CEQA analysis. It doesn't require discretionary action.

With a permitted use, for example, again you live in a single-family residential property, you're allowed to build a single-family home. Other than that, it's not a CEQA analysis, doesn't require discretionary action. So, with a permitted use, for example, again you live in a single-family residential property, you're
allowed to build a single-family home. There is no discretion, that's a Building Permit. Your neighbor may not like the fact that you've built a greenhouse with a blue tile roof, but you're allowed to do that.

Conversely, you want to build an apartment complex on that zone, it may require a rezoning on that parcel. It could require a rezoning of the parcel from single-family to multi-family, that requires a CEQA analysis.

CHAIR PAZ: Thank you. Thank you for that clarification. So, my next question is maybe for you and Eric.

When you are going through the CEQA process and you're considering the determination whether it's -- or the declaration -- whether it's negative, mitigated, or not, are you looking at the cumulative sort of impact of whatever item you're doing the analysis on? Or are you just looking at it independently for the project?

MR. MINNICK: Eric, do you want --

MR. KNIGHT: Oh, sure. I can go first.

Yeah, CEQA requires you to look at all three impacts, right, direct, indirect, and cumulative. So, it would be cumulative as well. Yes.
CHAIR PAZ: Thank you.

MR. MINNICK: He did a great job; I don't need to comment.

CHAIR PAZ: All right, thanks. Luis, do you have a question?

COMMISSIONER OLMEDO: Earlier it was brought up about the enforcement. I think I might have seen it in one of the comments, and it just reminded that firsthand, I mean, I've lived in the Imperial Valley the majority of my life and I know that Commissioner Kelley has, just to name a couple from the Commission itself. Unless some of you may have roots or have at one point lived here, I first-hand have seen just, I don't know, a couple miles from here from my office where we have blown -- I don't know how to call it, you know, where you have a geyser just shooting up into the air, and I don't know if that's brine, or exactly what it is, and I recall at that time it was DOGGR, and I know it's CalGEM now, they didn't know what to do with it. I said we've never had an issue to find on geothermal, I don't know what to do with it.

Is the CEC and every other entity that regulates this industry ready to regulate
Geothermal? Because I think that was part of the advice that was given by the first panel, you know, to make sure that you're able to hold these not only agreements, community agreements, but also mitigation and all these things, because they're going to cost somebody something. I remember that geyser was just, I don't know if it was steam, or brine, or whatever that was, onto an agricultural field. So, what does that mean to that land there?

I didn't remember if there was ever a violations issue on that. I mean, accidents happen, but again, just kind of getting the behind the scenes log as to you have an entity that regulates it but doesn't know how to issue fines.

And then we had another situation out here where we actually had an Environmental Justice tour and a bus full of EPA and CalEPA folks in a Coupa (phonetic) Bus. I mean, Coupa Inspectors. And there was -- I think it might have been one of the Berkshire facilities, and CalEnergy, and they do happen to be doing a annual or biannual breakdown service, whatever that's called, and Coupa (phonetic) went in there
and said we ran out of paper, I don't know if
these agents had one sheet, or they had a whole
book, but I know they had to go back and bring
more paper for NOVs.

And so that just happened because we were
doing an Environmental Justice bus tour at the
time and it was at the time, I don't remember if
it was Dale Filter, he used to be the only
Environmental Prosecutor that has worked in the
Imperial County as an official environmental
prosecutor, the only one. And he at that time
was the Department of Toxics, I think Director of
Enforcement and Emergency Response, and he was on
the bus, and I said, "What is that? What's going
on here?" And there's Inspectors Coupa
(Phonetic) goes in there. And that happens.

And then the next major thing that we
hear is, again, a facility that operated for
seven years without and they said he'd hold me to
this, but without the proper emissions control.
Whether it was a switch or whether it was a fan,
or whatever it was, seven years, and I recall
that at the State level and Federal level, like
what's going on with the County? I mean, they're
issuing like this tiny little assessment where it
CHAIR PAZ: Commissioner Olmedo, sorry to interrupt you, but do you want to like to rephrase the question and I think maybe Ryan might have an answer, or we can also let Eric. Do you want to re-emphasize your question so that it can be answered?

COMMISSIONER OLMEDO: Right. I mean, again, I'm looking for answers to that and how do we avoid these scenarios? All of that costs the community a financial strain, a health strain, an ecological strain. I mean, look at the Salton Sea. That's what happens when we don't take care of these issues in a proactive manner.

So how do we address that and how can the Commission put forth recommendations to assure that? But it seems that, you know, it certainly -- things are happening right now, projects are being permitted right now, and this industry has been existing here, at least in the geothermal matter for decades, so how -- actually, I would welcome advice -- how do we fix that and how do we make it better? How do we get to the gold standard? And how do we transition from, let's say, a dirtier energy source to a cleaner energy...
source, but get it to a point where it's clean
and we're not passing the burden from one
community to another?

CHAIR PAZ: Thank you. Good
conversations. I'll let Ryan and Jonathan have
the final word during this, not for the whole
topic, so that we can go onto public comments.
But Ryan and then Jonathan.

VICE CHAIR RYAN: So, Silvia, not to take
away anything that has been discussed about
permitting, but I did have an item that I wanted
to have discussed today and asked for it to be on
the agenda. It's on at the end of the agenda and
it's 4:40, or 4:30, so please for my own peace of
mind, if we could get to that?

CHAIR PAZ: Let's move on to that, then.

Jonathan.

COMMISSIONER WEISGALL: I'll be 30
seconds. I think one way to get to the gold
standard is to make sure that you're dealing with
companies that have a high level of integrity.
The problem that Luis mentioned involved a slate
angle on a blade in one of their turbines. We
discovered the problem. We self-reported and
repaid the fine. I think that that's one example
of how you work with the gold standard. Thanks very much.

CHAIR PAZ: Thank you. Well, thank you everybody. We'll go to public comments on this workshop. Erica.

MS. LOZA: Yes. If you are joining us by Zoom on your computer, please use the raised hand feature. If you've called in, please dial *9 to raise your hand and *6 to unmute your phone line. And we'll first go to John Hernandez. You are now able to unmute yourself. John Hernandez?

Okay, I guess we'll wait. I'll go through the comments now and then see if John pops up again.

So, the first comment is from Anonymous, and it says: "There is a need for State Policy to be in place that outlines how the industry will pay for any unintended or unaccounted long term negative impacts in the Salton Sea region, like disadvantaged areas."

The next comment is from James Blair, and he says: "Grateful for these nuanced presentations and appreciate the emphasis on principles of Environmental Justice. Community Benefit Agreements may help redistribute resource wealth for greater public good. However, they can also lead to state abandonment and the..."
absence of regulation, transparency, and monitoring. It
is exciting to think big, but engagement and
participation needs to remain a priority on all levels,
and environmental governance should not all be relegated
to the private sector or behind closed doors. Here is a
relevant article on impact and benefit agreements that
offers some critiques to better understand how to avoid
these problems in other mining projects (happy to share
the pdf.)" And he attached a link to the PDF article,
"Staking Claims and Shaking Hands: Impact and Benefit
Agreements as a Technology of Government in the Mining
Sector."

Okay, the next comment is Michael Garabedian.
And it says: "Question for the Energy Commission: What
are procedures after finalization of the CEC permit
process in the event of violations, less than expected
energy output, unanticipated outcomes or events,
inability to meet CEQA mitigation requirements, and so
on?"

The next comment is from Anonymous, and it
says" "Mr. Minnick, could you please re-share the dates
for the CTR project? It went a little too fast for me to
jot down."

The next comment is from Tom Sephton, and it
says: "Question for Lisa Belenky: Your maps showed a
biological area of concern immediately around the Salton Sea including the Salton Sea KGRA. I think it was labelled as 'Unusual Plan Assemblages,' or something like that. Can you comment on what critical species are in that zone and what impacts to those species need to be considered when projects are developed?"

And the last comment is from Michael Garabedian, sorry if I mispronounced your last name, but it says: "As I understand it, Imperial County has not made a finding and statement of Overriding Considerations that a project has unavoidable significant environmental damage that is acceptable. Do you know how your county does this, while other counties make overriding considerations all the time? (Perhaps you have experience in another local government that does overriding considerations.)"

Okay, and checking the hands on Attendees and I don't see anymore hands raised. So back to you, Chair Paz. You're on mute.

CHAIR PAZ: Thank you. So, this next item is just a final note for the Commissioners if there were any future environmental impacts workshop topics that we still haven't addressed. If anyone speaks, I will time you to one minute so we can move forward. I do not see
any hands up. And we will move on to -- next slide -- public comment.

MS. LOZA: If you are joining us by Zoom on the computer, please use the raised hand feature. If you have called in, please dial *9 to raise your hand and *6 to unmute your phone line. I see a hand from John Hernandez. You are allowed to unmute yourself.

MS. DE JONG: If John Hernandez is having difficulty with audio, or just being able to verbally give a comment, please consider typing one into the Q&A and we'll read it during the next public comment period.

CHAIR PAZ: Thank you.

MS. LOZA: Thank you. The next hand raised is from Tom Sephton. You should be able to unmute yourself.

MR. SEPHTON: Hello and thank you. There was a question raised just recently about the statement of overriding considerations. It's very interesting to hear from Jim Minnick and formidable, I think, as Imperial County has not used a Statement of Overriding Considerations. And I'd like to hear how the County has succeeded in doing that.

There's a very significant local example of a different local agency using that Statement of Overriding Considerations for the Imperial Irrigation District when they approved the CEQA for the transfer of water from
this region to San Diego and Coachella Valley, used the Statement of Overriding Considerations to essentially negate the very significant impact from shrinking the Salton Sea by transferring that water and creating a very big challenge of dust. They essentially said, well, we know there's a problem, we don't know how big it is, we don't know how to mitigate it, but we're going to use the Overriding Consideration that the Imperial Irrigation District is going to make a huge amount of money off of selling the water to override the massive environmental damage that's being done. And they were all having to talk about mitigating that damage, you know, 18 years later.

So, I'd like to hear from Jim Minnick how the Imperial County has done a better job in protecting the public from those kinds of things.

MR. MINNICK: Okay, I can't speak for the --
CHAIR PAZ: Jim, for the purpose of timing, maybe if you can do a written response that can be docketed, and that the CEC can help get to Tom if that's okay. That way we can get moving on the agenda.

MR. MINNICK: Okay.
CHAIR PAZ: Thank you. Erica.
MS. LOZA: That was the last.
CHAIR PAZ: Perfect. So, this will probably be
the last item and then anything that we didn't get to,
we're going to find a way to get to it at the next
meeting or see how we can get it done in between.

But I do want us to give all of our attention
and time to the presentation from the Imperial County,
who is going to be presenting their Lithium Economic
Opportunity Investment Plan.

We all received the presentation and the
documents, so I do hope that everyone took the time to
review and is ready to have a conversation on this topic.

But Ryan, I'll hand it over to you.

VICE CHAIR KELLEY: In the interest of time,
I'll be brief. So, Commissioner Soto's remarks are very
welcomed at the beginning of this meeting and
unfortunately, we don't have enough time to go into
deepth.

Imperial County did put together an Investment
Plan for Lithium Valley and it is in the docket, and I
hope that you can review it and, to be specific, we're
asking for delegation of permitting authority. It
started out at 99, but it may go higher for gross
megawatts.

We're asking for support and funding of a
Lithium Valley specific plan and Programmatic
Environmental Impact Report for the impact area of development. We are also asking for a Lithium Valley Development Office from the State and Federal Government to help us with shepherding the new development through County processes and also to recruit, as Commissioner Soto was talking about, of establishing that supply chain and value added happening here in Imperial Valley.

We are asking for Federal and State support on an infrastructure build out of roads, bridges, rail, and air. And we are already making investments in those infrastructure improvements.

We are asking for the creation of a severance tax, a resource levee on critical minerals. And either in coordination with the State or through a local initiative with our voters, we propose to bring that forward.

And then we are advocating for a focused higher education facility in Imperial County with the ultimate goal of having a four-year standalone university. But we do have San Diego State, it has property undeveloped with potential for STEM and additional disciplines that would support Lithium Valley and in coordination with industry in our communities to be a focus area for the new Lithium Valley.
So, at that point, I will take any questions in the time that we have and I would also ask you, if you are interested and would support this, please send us a letter of support and we will go forward in seeking assistance from the State and Federal Government.

CHAIR PAZ: Thank you, Ryan. And we were planning to go until after 5:00 or 5:15, so don't feel that we need to be rushed or that we need to end right at five.

I do have a question just for context setting and then I'll call on Commissioner Castaneda.

But for one of the requests where you are requesting the State to allow the permitting from 49 up to 99 or 100? Right?

VICE CHAIR KELLEY: It was originally a request from 49 to 99 and we've had conversations about some of the current statutes and rulings that allow something to happen on the current sites, I mean, adding energy generation on the current sites.

The new development with mineral extraction attached, having campus load, so we're talking about a gross of somewhere over 100, maybe to 150, that would allow if you had co-located industry for cathode battery manufacturing with geothermal and mineral extraction, but
that energy, that renewable energy from geothermal, could be used without reeling fees in a campus area.

CHAIR PAZ: So, when -- I think you might have answered my question, but just to make sure, do you anticipate that for future projects they would be coming in at a greater capacity, maybe like 100 megawatts or above --

VICE CHAIR KELLEY: Sure.

CHAIR PAZ: -- which like in the presentation earlier we saw that most of the projects went through the County because they were like at 49 or under.

VICE CHAIR KELLEY: Right.

CHAIR PAZ: So, is there -- I mean, what sort of guiding -- what's the need?

VICE CHAIR KELLEY: So right now, Silvia, every energy plant that we have in the Valley that's at 49.99 -- except for maybe some of the Ormat plants, they are generating more than 49.99. But there's a thing called parasitic load and they have to use energy on their own energy facility, and so that doesn't count against them.

We'd like to expand that to be able to say, "If you are going to be doing a project for cathode manufacturing next to geothermal and mineral extraction, that that wouldn't count against them for transmission."

So that's the change between a 49 net or a 99
net to 120, gross. And we heard that from industry.
They all supported that idea, and the Energy Commission has been listening to it.

CHAIR PAZ: And this understanding, I mean, I know the Energy Commission is going through their process for streamlining, how is what they're trying to do sort of incompatible, maybe, or it makes it more difficult for the things that are happening on the ground?

VICE CHAIR KELLEY: So, this conversation has been going on for a while, and everything that is in the queue right now is still at that 49.99 stage. But we know that, say, CalEnergy has the idea and has in the past presented a Black Rock project that's over 100 megawatts, and gone through the Energy Commission. And CTR is proposing a Phase II that's over 100 megawatts of energy.

So that's where the request is focusing. We are saying the 99.9, but that would be net to grid, but they would still be producing more than 99.9. Now we're changing it to say a gross amount that they would be able to use in a campus.

CHAIR PAZ: Thank you. Steve Castaneda.

COMMISSIONER CASTANEDA: All right. Thank you, Madam Chair. And, you know, I mean, again the issue relative to increasing megawatt production that would be
subject to only local control is -- is a big issue. But
I think it's an important issue to be talked about.
I think what the Supervisor is talking about, and obviously the County, I read the document that the County is supporting this. I think it's a huge step forward and I think that in many ways now, you know, I may not agree with everything, every element of it, or I don't know that everybody will; but the bottom line is that, you know, in the year that I've been involved in this group we've talked about a lot of issues. And the lion share of those issues has all been local issues, whether it's Environmental Justice, whether it's Economic Development, and so forth and so on.

And really, I think what the County is trying to do is to create a system, a structure that basically takes into consideration all of the issues well beyond just recovery, and basically moving in the right direction because we've heard about the number of jobs that simply will be created through generation and recovery.

And while that's significant, I don't believe -- and again, I'm not an economic development expert -- but I don't believe that they're significant enough to basically right the wrongs or to turn the corner with respect to the kind of environment and the kind of
community that the folks in Imperial County want and they
deserve.

I think this is in the right direction. A lot of these things are very very significant, they'll take a long time, but every journey starts with the first step and, Supervisor, whatever I can do in whatever small way, I support it and, you know, I'd love to write a letter or vote for it on this level, or whatever else it is.

So, thank you for doing that and thank your colleagues, too, I think it's an important step.

CHAIR PAZ: Thank you. Commissioner Olmedo.

COMMISSIONER OLMEDO: And Commissioner Kelley knows that, you know, from an Environmental Justice perspective, I mean, not just work on Environmental Justice, but addressing the many vulnerabilities, disadvantages, social determinants that exist here, whether it's health, environment, economics, all of it. So definitely a big proponent of the opportunity to our region.

The Environmental Justice lens looks at making sure that the cost, that it's at what cost, and while I support economic development, I also support equity and justice in our community. And quite frankly, our community has not been, or our government has not done its part to making sure it protects imbalances, the
environment protection, the public health protection, and
equitably distributes the resources.

So, we are living at a time that -- and earlier
I thought I heard Jon, but he often uses the term very
famously known as fool me once, shame on you; fool me
twice, shame on me. And I think we're already at that
point where it's been like shame on me multiple times.

So, I definitely am 100 percent in support of
bringing the opportunity here and making sure that we
calculate what those costs are going to be, how is
everything going to get mitigated, how are we going to
make sure that we create community benefit, how are we
going to make sure that the public's patrimony, the
public resource, doesn't just go to one channel.

You know, I've heard the IID that the resource
goes to water. Well, we know that IID considers water as
a resource for industry, so when -- at what point does
the community win? At what point, Commissioner Kelley,
does the North end, which is the blighted area, the front
line, fence line community, when does your district win?

And so, I am in support of looking for the best
path forward. I couldn't tell you at this very moment as
it stands, I think we can very much support a lot of
those elements, you know, we'll have to think very
thoughtfully and very carefully, it might also mean that
we not just as a Commission, maybe there's a way to sort
of support a majority of those things, or find a way to
update -- and I know you've been very willing. I've seen
you constantly trying to pull everyone together, and I
appreciate that about you.

So, I'm just looking for a best path forward,
but I think this a great opportunity for the County to
update its 100-year policies, not those that are being
forced to by State and Federal law that says, "you have
to do this," but it's local policies too.

I mean, I just saw in the newspaper how there's
this -- and I think you might have stood on the right
side of history, you know, right the wrongs of the past,
but we still have this added benefit that is not very
clear. And if I read correctly, also Supervisor, Board
Chair Escobar raising questions about whether it's going
to the right people, right?

So definitely I don't operate alone, we have
many Environmental Justice community CBOs that I rely on
to help inform and help set the path forward. But you
know, Environmental Justice isn't just the law saying,
hey, just protect this one thing. No, it's about the
people that lives here, making sure our ecosystem and our
economy and the opportunities are equitably distributed
and also making sure that both the local and regional
opportunities are there.

So that's -- I hope that that's a satisfied
answer, you know, that I'm very much on board with many
of those things.

CHAIR PAZ: Any other questions or comments?

So, I'm pretty much also in a similar mind as Luis, that
there are elements here that I saw, that I could say yes.
I mean, that four-year university, yes, let's get it
done. Investments in workforce, let's get it done.

There are some things, and that's why I was
trying just to wrap my head around like what is the need
or the context behind that request for the permitting up
to like 100 or above. And I have another question around
that, which is why -- I mean, there's got to be a reason
and sometimes reasons are just artificially, you know,
someone decided 49 was -- and who knows why? But what is
it about going to the County for permitting versus going
to the State? Like why is one favorable over the other?

VICE CHAIR KELLEY: So, for all those people
that are a part of the Energy Commission, no offense
before I say any of this, but the CalEnergy in the past
did go through the Energy Commission for permitting of
Black Rock. And it went through twice. I wasn't
involved, I knew about it when it was happening, but the
information that we got back from industry was that it was over a two-year process. I believe it did eventually get permitted, but then they didn't act on it, and they went back again. They tried to split the project and do it into a multiple 49.9 megawatts plan. So, the economy of scale, the investment opportunity starting at the geothermal is not easy, there's a lot more investments than taking over land and putting solar or wind.

So, we're trying to balance in what you see before you are being proactive about the opportunities of balancing what our community needs and what industry needs, and hopefully finding the line that was going to benefit all. I think Mr. Minnick could probably talk more about what happened with Black Rock, but we also know that CTR has a Phase II that's over 100 megawatts.

And this idea of being able to co-locate other industries, that's the other -- the thing that we're not really talking about of, yeah, we could probably do Lithium as EnergySource spoke last night in Niland, they're gonna do it. And they're going to go after Manganese and Zinc, too.

But at the end of the day, if that's all we're going to get from this, and this opportunity, then we're really missing the writing on the wall. Jim will tell you about Black Rock.
CHAIR PAZ: Yeah, no, I mean, if I summarized it, it's just efficiencies that are needed just based on that example. Steve Castaneda.

COMMISSIONER CASTANEDA: Well, I just wanted to add and, Silvia, you had raised the issue of what is the context and what is sort of the argument that would support increasing permitting and regulatory from the local entities.

And I served on the Chula Vista City Council for eight years, I served as a Planning Commissioner for eight years. And much of that time as Planning Commissioner, it was during the energy crisis of 2000 that saw a Governor recalled. And many people argued that deregulation had something to do with that.

And basically, there was an action by the State in which they were just allowing peaker plants to be permitted. And many of these were in areas that were right next to homes. And what we found was, in trying to advocate for our community as a local body, both at the Planning Commission and when I was at the City Council -- and again, as the Supervisor said, no offense to anybody, you know, but you're not going to get the same kind of focus, the same kind of concern, the same kind of attention, because I'll tell you as a City Councilmember, when we were debating whether or not a 50-megawatt peaker
plant was going into a particular part of town, you know,
going to the grocery store because it had been in the
newspapers and so forth, I got called out by some people
that weren't really happy about my perspective. And
that's just not going to happen if you have people in
Sacramento that are making those calls.

And I'm not saying that, you know, and it's not
just a situation where the local government makes those
calls in a vacuum. Believe me, the CEC is involved.
Their experts are involved and so forth.

But to streamline the process and to do such in
a -- and I think in a reflective way, in a way that is
much more responsive to the local community is extremely
important. And as Supervisor Kelley talked about, the
dynamic of off-grid basically distribution in a campus-
type setting, is incredibly important because of the
economies that are involved.

So, I think that this really needs to be
seriously looked at. And again, I'm not a complete
advocate because I know that sometimes local government
isn't as responsive as it should be, but you know the
bottom line is that every two to four years you can go
into that Ballot box or your mailbox and get rid of the
person that's basically casting bad votes or supporting
bad initiatives; you can't do that with appointed folks
in Sacramento. And again, nothing of offense to CEC folks because they're our hosts here, but it's just the way that it works, it's just human nature. So, I had to add that. Thank you.

CHAIR PAZ: Thank you. Eric Knight.

MR. KNIGHT: I don't take any offense. I just wanted to correct, Supervisor Kelley, I heard you say that it was two years for Salton Sea and it's six for the Energy Commission to license it. I quickly went back to the Docket log, and it looks like that Application was filed with the Energy Commission in July of 2002.

And like Jim Minnick mentioned earlier, there's a completeness review that you do, right? And it looks like the Application was accepted as complete in September of 2002, and a decision was rendered in December of 2003. So, it's a little over a year, not two -- not to say that projects before the Energy Commission have not taken that long. I mean, often times there's complicated issues to resolve. Projects change mid-stream, but usually for the better, and that kind of resets the clock.

And I would just say that the Energy Commission, yes, we are in Sacramento, but when we hold the informational hearing, which is the event I said starts the Application for Certification process, it's
the first opportunity for our Energy Commissioners to
introduce themselves and the Applicant to introduce the
project, that event is held in the project location in
the community. And there's generally a site visit that's
involved, like a bus tour will take the public to the
site.

We routinely would hold workshops in the local
jurisdiction, you know, I mean in the area of the
project, wherever the best place would hold it that would
accommodate the public participation. And we would do
the same thing that Jim mentioned that we would hold
afternoon session, an evening session to ensure that we
get the most public involvement we can. And we work very
closely with our Public Advisor's Office. So, I just
wanted to make those remarks. Thank you.

CHAIR PAZ: Thank you. Commissioner Olmedo.

COMMISSIONER OLMEDO: Yeah, I just had two,
points. You know, I'd like -- you know, there's the
possibility of getting the -- which we can do, you know,
get the community support, community CBOs to support
those things that we feel pretty strongly and support the
county. I think I'd like to move on that as quickly --
my CBO hat, the Environmental Justice hat. As a
Commissioner, I'm not sure I'm ready. I need a
consultation, as I imagine we all have others that we
answer to, particularly the community, as well, and our partners making sure to the extent that they're -- I'm not sure what could be the possibility as a Commissioner to be able to support, again, a letter, as the official, that could help support those areas of your -- I'm open to ideas of how we could do that as a Commission. It sounds like that's what you're asking?

VICE CHAIR KELLEY: I would hope that everything would be endorsed, and the Commission would vote on it. But I'm not that optimistic and I would welcome any letters of support of the elements that are in this plan that we could use to show that we have other advocates for the same measures.

COMMISSIONER OLMEDO: As a CBO, you know, wearing that hat makes sure that we work on that and convene with our partners, with our team, and making sure that we get something out to you right away to help support those positions that we feel pretty strongly and comfortable supporting.

Again, in that whole spirit of righting the wrongs of the past, I would love the County to also put a plan together. What does that future look like when it comes to the local authorities and the local permitting? Because I don't entirely disagree with Commissioner Castaneda, but those of us that have been here working on
Environmental Justice, it's never how, you know, how it is promised. We always continue the shortchange, shortchange, and over 100 years that's a considerable gap that it's almost we're not going to make it up in our -- you know, we're not going to right the wrong in our lifetime and maybe not even in the next generation, so what does that look like? Because I serve as an Environmental Justice entity. I would like to see it go in the direction as Commissioner Castaneda's is bringing up, as you are, Commissioner Kelley, and I'm sure others locally. But even now we talk a lot about locally engaging Environmental Justice, and I don't think that the County has any policy that commits to Environmental Justice. The State has done it for many years. And even today, you know, the CNRA and CEC have advisories on Environmental Justice, have policies on Environmental Justice and, you know, I appreciate you and your effort in helping us push an equity policy around health, there is zero in the County that commits to Environmental Justice. I think this is the perfect time to pull all of that together and do it simultaneously, so we don't get to these points where we need to do things today, right? Environmental Justice in the community has always been put in that situation. You want a job? Well, then you have to exempt this. You want, you know, community
benefit? Well, then you have to do it right now. And it's sort of the historical situation, but I'm here to support Commissioner Kelley. How can we make that happen now? I'm glad Jim is here. I hope others in the County are listening. I hope the entire County Board that I know is being informed by you and others that might be participating. But the time is right now. Let's do all of those things that we need to build the infrastructure to have greater confidence in pushing so the local management, you know, so not County Control (Phonetic) necessarily because that can sometimes, you know, not be perceived as a positive always.

CHAIR PAZ: So, for Ryan's sake, we have had some time with this plan already as Commissioners, and it was shared I think even since the last meeting, not food for discussion, but with the idea that people would have the time to go and do their due diligence. I understand time flies between meeting, so we might not have gone into it. So, I just wanted to mention that we have had some time with this information.

The other thing that I want to say is that, even though we may not find consensus on all of the elements, that does not mean that this Commission could not or should not take a vote if that's what he would like and, Ryan, we can take direction from you.
Particularly for me, I think there's one like
hard line for me in all of this which is the exemption of
the CEQA process. So, for me, that's where I would draw
the line, but everything else I think could be doable.
And some of the items that are listed on your plan may be
contingent on other things happening, right? So, the
request for the office in Lithium Valley may be
contingent on whether you get the authority for 100,
right, and that's not specified anywhere here in the
plan. But there's items like that that we could go
through and definitely get to a vote so that this
Commission has an opportunity to support some of the
elements, if not all, because I don't speak for everyone.

VICE CHAIR KELLEY: I would -- Silvia, I would
take your queue. The CEQA exemption on the Programmatic
EIR, those are still -- and we are moving forward in that
in a Master Planning effort, but whatever you feel
comfortable and a consensus of some items or elements to
vote on, I would be much appreciative.

CHAIR PAZ: Great. Steve.

COMMISSIONER CASTANEDA: And I would just add
very quickly that a Programmatic EIR does not basically
eliminate the requirement for environmental review for
individual projects. What it does is it basically sets
an environmental protection framework that projects that
would be, shall we say, acceptable would have to have within, but they would still have to individually look at levels of impact and mitigate appropriately.

What it does, it basically defines the rules of the road for Developers and investors. It basically lets people know what they can do and what they can't, but more importantly for anyone that's going to invest those kinds of resources, it provides some certainty in the process. It allows them the confidence that basically they're going to put up their money, at least they're going to be able to have a good shot, a fair shot at basically being successful.

So again, I think that there might be -- and again, I don't know if I just sort of misunderstood you, Madam Chair, that the programmatic does not basically exempt all projects that fall within that boundary. So, I just wanted to make sure.

CHAIR PAZ: No, I understand that and thank you for highlighting. But if I read the plan correctly, it has both elements, the Programmatic EIR and then it's also requesting an exemption for future projects after the Programmatic EIR where the specific plan is adopted. But maybe I misunderstood it.

VICE CHAIR KELLEY: I think it mentions it in that respect that it would not -- I'll have to pull it up
to look at the specific language, but it doesn't exempt it from CEQA. And there is no request to exempt it from CEQA.

CHAIR PAZ: Okay, perfect. Thank you for that. Jonathan.

COMMISSIONER WEISGALL: Well, I guess just as a quick added point as a Developer. Whether we go through the County or whether we go through the California Energy Commission, we do not have a CEQA exemption at all. So, either route is CEQA compliant, you know, there's no easy way, no one is looking to get around CEQA.

And my understanding from Jim Minnick's presentation and my own talks with him, is whichever way you go, you comply with all the provisions of CEQA. Thanks.

VICE CHAIR KELLEY: So, Silvia, the reference is on page 8, and it says, "The County of Imperial requests that the State of California take an Executive or Legislative action that results in the exclusion of current and future projects that are within the County's to-be-created specific plan and Programmatic Environmental Impact Report from further environmental review, such as the California Environmental Quality Act. If that language is consternation to anybody, then support without that is fine with me."
CHAIR PAZ: Yeah, that was the language for me, at least. So, I don't know how we can take -- what is sort of the timing that --

VICE CHAIR KELLEY: Yesterday.

CHAIR PAZ: -- yesterday. Because I think I'm hearing some consensus, but again I don't know that we are organized enough to take the vote if ideally -- and this is just me, but maybe you all feel more comfortable. I want to see sort of like the pieces and like, okay, this is clearly what we're voting on, and this is what we're leaving out; that way there's no confusion. And we don't have that anywhere written. But if between now and the next meeting, and just as an FYI, we're going to try to get two meetings. My request is that we're going to try to get two meetings per month, moving on, so that we can speed things up and CEC will contact you all to coordinate those. But maybe between now and our next meeting we can draft either a letter, maybe Ryan, you can draft it, or I can help you draft it, that way we present it and then that's what we adopt and everyone in the Commissions knows, okay, this is more or less what the consensus was that we heard, and then it's easier? I don't know. I'm just -- and the process gets in the way sometimes.
VICE CHAIR KELLEY: So, yeah, I'm flexible. It is time sensitive because things are moving quicker than our next meeting. Whatever I can garner, I will take.

CHAIR PAZ: Okay.

VICE CHAIR KELLEY: Put something in the chat, these are realistic things that we discussed and -- and I know that it's 5:20, so....

CHAIR PAZ: Yes. And I'm very interested. I'm not falling asleep. Luis.

COMMISSIONER OLMEDO: And just say reiterate that, you know, because time sensitivity, again, wearing my CBO hat, we'll provide a letter of support right away, you know, based on those areas that we agree with after some immediate consultation and I'm open to having more meetings, as much as necessary to get to a point of agreement and get a letter out because, I agree with you, it is time sensitive.

And just a final closing point is I just want to make it clear that, you know, we do have a lot of audience here listening to us and one of the concerns at one of the meetings in your district, Commissioner Kelley, is we put ourselves here as experts and I certainly am no CEQA expert, I don't dare try to speak on CEQA, or I'm not an attorney. I rely on attorneys, in fact, I rely on attorneys having to do with public health
and bring an Environmental Justice lens, an ecological lens into this. So, I just wanted to again just remind us that people that are listening to us in our community are going to look at us as we are an authority and that we speak as an authority that I hope that we can back it up just so that we make sure we're well informing the public, especially those that may be looking at us for guidance and information and facts. Thank you.

CHAIR PAZ: Thank you. So, we will go to open comment and then -- I mean public comment -- and then come back. Erica.

MS. LOZA: If you are joining us by Zoom on your computer, please used the raised hand feature. If you've called in, please dial *9 to raise your hand and *6 to unmute your phone line. So, I'm going to go first to the participants on Zoom. The first one is Nikola Lakic. You should be able to unmute yourself now.

MR. LAKIC: Good to -- can you hear me?

MS. LOZA: Yes.

MR. LAKIC: Thank you, Madam Chair Paz and distinguished Commissioners and panelists. Thank you for this opportunity to ask a question. Before this last segment was public comment and Tom Sephton asked a very important question about dust and water. And he asked to Mr. Jim Minnick, but for some reason Jim Minnick didn't
answer it and Chair Paz cut it off and decided that she will send the answer to the Tom. My question is why? That's very very important. It's a fundamental question that I was curious to hear that for many years how the transfer happened with water to San Diego. And people don't know and whole state would like to know, especially nearby communities. And why Jim Minnick couldn't answer and why Chair Paz cut it off.

And directing questions in writing to Tom Sephton is fine, but I'm curious to know a little bit more about it, and I'm sure the whole state would like to know that. Thank you very much.

MS. LOZA: The next person is going to be Joan Taylor. You should be able to unmute yourself.

MS. TAYLOR: Thank you. Joan Taylor here, Chair of the California-Nevada Desert Committee of Sierra Club. We support the geothermal development, and very hopeful that Lithium extraction proves commercial and environmental. We also strongly support the education and job training infrastructure, and so on, in the County Plan. And we hope that local residents can benefit from this and not imported workers.

We also support removing wheeling fees, not only for geothermal and associated industry, but also for any local energy that does not use the transmission grid.
Transmission charges on locally consumed energy constitute a huge penalty, which keeps midscale where houses rooftop solar, for instance, from being competitive.

We also support the County preparing a Master Lithium Investment Plan and programmatic EIR, which would allow it to assess community impacts. We have serious concerns about the plant's proposals, as we read it, to make future individual projects exempt from CEQA. It's analogous to the Desert Renewable Energy Conservation Plan in trying a Master EIS from which later projects have tiered, so when projects are consistent, they can be permitted with less rigorous and more expeditious level of review under NEPA. They did not exempt projects from NEPA.

So, we've heard from Mr. Minnick how efficiently his department moves a project through CEQA. The projects tier from the Lithium Valley specific plan, Programmatic EIR, and are truly consistent and they require very limited environmental review that should not be exempt from CEQA. Thank you very much.

MS. LOZA: The next person we should be is Tom Sephton. You should be able to unmute yourself.

MR. SEPHTON: Thank you. Speaking in response to Supervisor Ryan Kelley's proposal, I'd like to say in
wearing my hat as Board President of the EcoMedia Compass, you will be getting a Conditional Letter of Support from our organization. At our next Board Meeting, we will be voting on it. And I would hope that the Lithium Valley Commission can also find those aspects of the proposal that there is a consensus on and vote for it in a timely fashion. And we do understand the concern about having a Programmatic CEQA and whether that might exempt projects from certain steps in CEQA. We don't think that does if it's put together properly. But if you can find the pieces that you can have a consensus on and support it, I think that would be useful to move this forward in a good way for all of the community. Thanks.

MS. LOZA: Thanks. So, I'm going to read the comments now. The first one is anonymous. It says: "The investment plan is great, but you should not give CEQA, the Commission, and Imperial County owe it to the community to maintain full transparency, which should be prioritized over efforts to move forward Lithium projects faster.

The next comment is Janet Wilson's. It says: "Is there a public copy of the plan with the elements you're all discussing and voting on? Was public notice given that you would be voting on certain language? Not
meaning to criticize, just not seeing a copy in the
docket.

The next comment is from Michael Garabedian.
"I've been offline for a while. I see that the Imperial
County CEQA rules allow making findings of overriding
considerations, so it seems that they do not do this as a
practice, though they could."

MS. LOZA: The next comment is from Jose
Flores. And he says: "Wanted to thank all the
Commissioners for a productive meeting and looking
forward to upcoming meetings."

Okay, and I don't see anymore hands up, so back
to you, Chair Paz.

CHAIR PAZ: Thank you. Let me give a check on
my proposal, which I mentioned earlier. I think we
probably have heard consensus on most of these things and
Supervisor Ryan Kelley put it on the chat. He said: "To
accomplish these goals, Imperial County is requesting the
consideration of the specific support actions, either in
the Budget Trailer Bill, or through delegation of
authority to the County of Imperial." In bullets:
"Delegating planning and permitting authority of
geothermal development up to 99.9 megawatts generation to
the County of Imperial, which is currently limited to
49.9 megawatts; support and funding of the Lithium Valley
Specific Plan and Program Environmental Impact Report estimated at $3 million; support and funding of the Lithium Valley Development Office, $500,000 annually," and I think it was for 10 years?

VICE CHAIR KELLEY: Yeah.

CHAIR PAZ: "Support and assistance in creation of an Imperial County Severance Tax or Resource Levee for critical minerals delegated authority to Imperial County." And then "support and funding of a Cal Poly campus in Imperial County, $100 million."

If there is consensus on this item, what I can do is, again, I would like to draft that letter with Ryan, so then the Commission can just ratify it so that the language is there. But these are the elements that I'm hearing, unless any of you -- and notice that the CEQA exemption language is not in here, so thank you for that. But what's the feeling here?

VICE CHAIR KELLEY: Silvia, you can remove the dollars if it's just supporting the goals, that is sufficient for us.

CHAIR PAZ: Okay. Mr. Castaneda.

COMMISSIONER CASTANEDA: Well, I was just going to say that I would support, you know, whatever the mechanism is to have you and Supervisor Kelley to draft that letter, and then bring it back to us as quickly as
we can so that we can vote it up or down. So, I would support that.

CHAIR PAZ: Thank you. Anybody else?

COMMISSIONER WEISGALL: It makes sense --

Jonathan here. I think it's a good idea.

CHAIR PAZ: Okay. Well thank you and we're going to try to meet before the 28th, so as quickly as we can. Maybe some time mid-April, so in the next two weeks. So that gives us time, Ryan, to draft something and then just have it ratify.

All right, and then I think there was a question from the public comments about whether an action or this item was noted? I believe it was, but if I can have Deana or someone from the CEC just verify that all of this was properly noted.

VICE CHAIR KELLEY: Yeah, it is on the docket, and I saw an update from Janet that she did find it.

CHAIR PAZ: Okay.

MS. WEBSTER HAWKINS: And I would confirm, Chair Paz, this is Renee from the CEC, and yes, we were able to get the link in the chat before the discussion started and Janet did find it, and also our Agenda did clearly indicate that a vote was possible on this discussion item.
CHAIR PAZ: Yes. So, on that item, though, there's -- do we need a vote just for Ryan Kelley and to go and draft the letter?

MS. WEBSTER HAWKIN: No. It's the intent to bring it back for the Commission's consideration at the next meeting. You do not need a vote.

CHAIR PAZ: Okay, so we'll do that. Yeah, we'll bring it back. Well, thank you everyone. Thank you, Ryan, for bringing this up and really a good conversation. I mean, I could keep on going probably today. It was really interesting. But I know you all don't have to keep going.

So, thank you. I think we will go now to General Public Comment and the items that we didn't get to today we'll bring back at the next meeting.

MS. LOZA: If you're joining us by Zoom on the computer, please use the raised hand feature. I if you've called in, please dial *9 to raise your hand and *6 to unmute your phone line. I'm going to check now to see if there's anyone on the Zoom. I see John Hernandez. You should be able to unmute yourself.

MR. HERNANDEZ: Okay, I think I got this figured out finally at the end of the meeting.

MS. LOZA: We can hear you.
MR. HERNANDEZ: Okay, so interesting discussion at the beginning with the first two presenters, Paul English, and Jonathan London. And the discussion around the health issues in our community are not new discoveries, as are not the new discoveries of geothermal being around for 40 years, and what's in the minerals, and KGRA, and all those things.

What is new, however, in our community is that we are wanting and are getting a seat at the table. A seat at the table where we have been for so many years not participants in our community and have developed a community that is one of the most disadvantaged and one of the most polluted, one of the most non-attainment in air quality. But yet we have one of the richest corporations operating within our communities, the Agribusiness one of the richest, Imperial Irrigation District, one of the richest.

So, I would just like to say that I'm glad to see that we do have a seat at the table and that people are paying attention, and that there are slowly but surely ways to engage. And slowly but surely the word getting to the corporate structures that I'm hearing from the three Developers that are wanting to capitalize on the Lithium, I'm hearing good things from them that they're saying that they want to engage with the
community, they want to participate, they want to give
back, everybody pays, they want to go to the CEQA
process, whether it be local or whether it be State.

But in my history, locally, because the
interests of developing the industries of Ag in the
Imperial Irrigation District, have not been receptive to
our communities. So, I just want to say that, as someone
who has lived here all my life, and has suffered through
some of the degradations, you know, the worst, Niland,
the slabs, Bombay Beach, Desert Shores, even as far as
Brawley is concerned and Calexico and El Centro, all
these homeless problems, but yet some of the richest
minerals in the world. It shouldn't be this way. And
it's not going to be this way. And I'm glad to hear that
Ryan is on board to try to make it better for everybody.

So, thank you for listening briefly.

MS. LOZA: I don't see anymore comments or any
hands raised. So back to you, Chair Paz.

CHAIR PAZ: Thank you. Next slide. Just
before we adjourn, one, I didn't introduce Erica, but
thank you, Erica who is now supporting us. And I also
learned that Elisabeth de Jong, who has been supporting
us since the inception, is transitioning to other
opportunities. So, I want to take a moment and just to
thank Elisabeth for all of the support that she's given this Commission. So, thank you, Elisabeth.

MS. DE JONG: Thank you, Chair Paz. I appreciate that.

CHAIR PAZ: Great. So, this adjourns our meeting. And again, keep an eye for your emails as the CEC is going to try to organize us and our schedules so we can have another meeting in the middle of April. Thank you. The meeting adjourned at 5:41.

(Meeting adjourned at 5:41 p.m.)
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.

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