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Comments on Draft LVC Plan

As prepared testimony October 31, 2022, LVC Meeting

Courtney Coyle, Attorney for Carmen Lucas, Kwaaymii Laguna Band of Indians

We have skimmed the redline draft report and note that few revisions have been made to date. Energy seems to have been put into the consolidated recommendations which also offer little to meet tribal concerns.

We ask that the comments from our submitted October 24, 2022, letter be reconsidered during the drafting of the final report and recommendations. I will highlight a few:

1. That the tribal cultural value of the Southeast Lake Cahuilla Active Volcanic Cultural District be acknowledged in the report. The reference added to the draft report, the 2010 Dr. Tom Gates report, is important, but does not address the testimony provided by the affiliated tribes in response to the proposed lithium extraction and KGRA map which were not available back in 2010 and encompass a larger geographic area.
2. Integrate tribes better into recommendations and findings as noted in our previous letter. The four places in the consolidated recommendations where tribes are mentioned do not offer much to tribes. Agree with the letter from Torrez Martinez to add reference for funding to stand up a multidisciplinary Technical Review Committee so that affiliated tribes can have access to adequate and independent technical support to participate in the process more fully. The technical committee set up to support tribes during the PG&E Topock Compressor Station clean up, managed by DTSC, could provide a model.
3. Agree with Commissioner Olmedo that clarity of the report would benefit from adding key definitions, such as high road economy, priority permitting process, community co-benefit agreements, workforce development, cultural resources, etc.
4. Agree with Commissioner Scott's concern about Figure 9 showing seven KGRAs in Imperial County – six outside the Salton Sea area. CEC staff did

not answer the question asked earlier today: The report must be clear whether these other areas are part of the current proposal. Tribal concerns include expansion away from the Sea and into greenfields, and lack of cultural surveys to date.

5. Concern about potential conflicts of interest where Commissioners have signed comment letters on behalf of their employers. Is this in alignment with Fair Political Practices Commission rules? Several of these same Commissioners have also asked that benefits to tribes and the community be removed. This includes apparent subtle opposition to full consideration and mitigation of cumulative effects – critical aspects to the consideration of tribal cultural landscapes such as those found in the aforementioned cultural district.
6. USEPA comment letter expresses the same question as our letter: will a joint EIR/EIS be prepared and what agencies would be involved. Report page 52 appears to misstate or limit the role of NEPA. Clarity on federal agency involvement is a critical piece of the stated desired coordination on report page 46 and has substantive and procedural consequences for tribes.
7. Consistent with Dr. Blair’s comment, please strike the technical phrase “environmentally superior alternative” from the report and leave such determinations to the CEQA process.

Thank you for your time and consideration.