

**MINUTES OF THE
PLANNING COMMISSION MEETING
December 13, 2023**

The Imperial County Planning Commission convened a Meeting on Wednesday, December 13, 2023, at 9:00 a.m. in the Board of Supervisors Chambers, El Centro, California.

Staff present: Director, Jim Minnick; Assistant Director, Michael Abraham; Planning Division Manager, Diana Robinson; Planner III Derek Newland; Planner II Gerado Quero; Planner II Luis Valenzuela; Planner II Evelia Jimenez; Planner I Rocio Yee; Clerks- Rosa Soto & Aimee Trujillo.

Chairman Rudy Schaffner called meeting to order at 9:00 a.m.

- I. **Roll Call: Commissioners present:** Schaffner, Kalin, Roben, Cabañas, Bergh, Medina, Wright, and Pacheco
- II. **Pledge of Allegiance:**
- III. **Public Hearings**
 1. **Approval of Minutes:** Chairman Schaffner entertained a motion to approve the Planning Commission Minutes for the **November 16, 2023** meeting as submitted by staff; **Commissioner Kalin** made motion to approve minutes seconded by **Commissioner Cabanas** and carried on the affirmative vote by the Commissioners present Schaffner (yes), Kalin (yes), Roben (yes), Cabañas (yes), Bergh (yes), Medina (yes), Wright (yes) Pacheco (yes) to approve minutes as they stand.
 2. **8a. Consideration of Water Supply Assessment**, as submitted by Hell's Kitchen PowerCo 1, LLC. (HKP1) and Hell's Kitchen LithiumCo 1, LLC. (HKL1); the proposed project in Imperial County, California. HKP1 and HKL1 are both subsidiaries of Controlled Thermal Resources, Inc. (CTR). HKP1 involves the development of a geothermal power plant that will produce up to 49.9 megawatts (net) of geothermal power. HKL1 proposes to develop mineral extraction and processing facilities capable of producing lithium hydroxide, silica, bulk sulfide, and polymetallic products for commercial sale. The project's plant and facilities will be located on undeveloped land owned by Imperial Irrigation District (IID), which is approximately 3.6 miles southwest of the community of Niland on sixteen parcels: APNs 020-010-012, -013, 020-070-060, 020-010-031, -032, -035, -042, -044, 020-060-001, -002, -039, -040, 020-070-025, -026, -029, -055. The project's plant facilities would be built on approximately 65 acres, including a gen-tie line. ([Supervisor District #4](#)) David Black, Planner IV (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us.
 - 8b. Consideration of Final Environmental Impact Report (SCH #2022030704)**, as submitted by Hell's Kitchen PowerCo 1, LLC. (HKP1) and Hell's Kitchen LithiumCo 1, LLC. (HKL1); the proposed project in Imperial County, California. HKP1 and HKL1 are both subsidiaries of Controlled Thermal Resources, Inc. (CTR). HKP1 involves the development of a geothermal power plant that will produce up to 49.9 megawatts (net) of geothermal power. HKL1 proposes to develop mineral extraction and processing facilities capable of producing lithium hydroxide, silica, bulk sulfide, and polymetallic products for commercial sale. The project's plant and facilities will be located on undeveloped land owned by Imperial Irrigation District (IID), which is approximately 3.6 miles southwest of the community of Niland on sixteen parcels: APNs 020-010-012, -013, 020-070-060, 020-010-031, -032, -035, -042, -044, 020-060-001, -002, -039, -040, 020-070-025, -026, -029, -055. The project's plant facilities would be built on approximately 65 acres, including a gen-tie line. (Supervisor District #4) David Black, Planner IV (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us.
 - 8c. Consideration of Mitigation Monitoring & Reporting Program**, as submitted by Hell's Kitchen PowerCo 1, LLC. (HKP1) and Hell's Kitchen LithiumCo 1, LLC. (HKL1); the proposed project in Imperial County, California. HKP1 and HKL1 are both subsidiaries of Controlled Thermal Resources, Inc. (CTR).

HKP1 involves the development of a geothermal power plant that will produce up to 49.9 megawatts (net) of geothermal power. HKL1 proposes to develop mineral extraction and processing facilities capable of producing lithium hydroxide, silica, bulk sulfide, and polymetallic products for commercial sale. A mitigation monitoring and reporting program for mitigation measures that have been incorporated into the project to reduce or avoid significant effects on the environment (CCR §15097). This program will be designed to ensure that these measures are carried out during project construction and operation. The project's plant and facilities will be located on undeveloped land owned by Imperial Irrigation District (IID), which is approximately 3.6 miles southwest of the community of Niland on sixteen parcels: APNs 020-010-012, -013, 020-070-060, 020-010-031, -032, -035, -042, -044, 020-060-001, -002, -039, -040, 020-070-025, -026, -029, -055. The project's plant facilities would be built on approximately 65 acres, including a gen-tie line. (Supervisor District #4) David Black, Planner IV (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us.

8d. Consideration of Conditional Use Permit #21-0020, as submitted by Hell's Kitchen PowerCo 1, LLC. (HKP1) involves the development of a geothermal power plant that will produce up to 49.9 megawatts (net) of geothermal power. The project's plant and facilities will be located on undeveloped land owned by Imperial Irrigation District (IID), which is approximately 3.6 miles southwest of the community of Niland on sixteen parcels: APNs 020-010-012, -013, 020-070-060, 020-010-031, -032, -035, -042, -044, 020-060-001, -002, -039, -040, 020-070-025, -026, -029, -055. The project's plant facilities would be built on approximately 65 acres, including a gen-tie line. (Supervisor District #4) David Black, Planner IV (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us.

8e. Consideration of Conditional Use Permit #21-0021, as submitted by Hell's Kitchen LithiumCo 1, LLC. (HKL1) involves the development mineral extraction and processing facilities capable of producing lithium hydroxide, silica, bulk sulfide, and polymetallic products for commercial sale. The project's plant and facilities will be located on undeveloped land owned by Imperial Irrigation District (IID), which is approximately 3.6 miles southwest of the community of Niland on sixteen parcels: APNs 020-010-012, -013, 020-070-060, 020-010-031, -032, -035, -042, -044, 020-060-001, -002, -039, -040, 020-070-025, -026, -029, -055. The project's plant facilities would be built on approximately 65 acres, including a gen-tie line. (Supervisor District #4) David Black, Planner IV (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us.

8f. Consideration of Variance 21-0004, as submitted by Hell's Kitchen PowerCo 1, LLC. (HKP1) involves the development of a geothermal power plant that will produce up to 49.9 megawatts (net) of geothermal power. The project features include cooling towers up to 40 feet and 230-kV gen-tie structures up to 120 feet. The project's plant and facilities will be located on undeveloped land owned by Imperial Irrigation District (IID), which is approximately 3.6 miles southwest of the community of Niland on sixteen parcels: APNs 020-010-012, -013, 020-070-060, 020-010-031, -032, -035, -042, -044, 020-060-001, -002, -039, -040, 020-070-025, -026, -029, -055. The project's plant facilities would be built on approximately 65 acres, including a gen-tie line. (Supervisor District #4) David Black, Planner IV (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us.

8g. Consideration of Variance 21-0005, as submitted by Hell's Kitchen LithiumCo 1, LLC. (HKL1) involves the development mineral extraction and processing facilities capable of producing lithium hydroxide, silica, bulk sulfide, and polymetallic products for commercial sale. The project features include cooling towers up to 50 feet, silos up to 60 feet, evaporator structures up to 80 feet and crystallizers up to 110 feet. The project's plant and facilities will be located on undeveloped land owned by Imperial Irrigation District (IID), which is approximately 3.6 miles southwest of the community of Niland on sixteen parcels: APNs 020-010-012, -013, 020-070-060, 020-010-031, -032, -035, -042, -044, 020-060-001, -002, -039, -040, 020-070-025, -026, -029, -055. The project's plant facilities would be built on approximately 65 acres, including a gen-tie line. (Supervisor District #4) David Black, Planner IV (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us.

Jim Minnick, Director; Gave a brief description of the project, and introduced **Gerardo Quero, Planner II**, to read the project into the record.

Gerardo Quero, Planner II; Read the PowerPoint Presentation of the project into the record.

Thomas Strand, Consultant; Read the PowerPoint Presentation of the project into the record.

Chairman Schaffner; Asked if there was a representative for the project to approach the podium.

Jim Turner, Applicant; Introduced himself.

Chairman Schaffner; Asked if he had any questions or comments regarding the project, and if he read and agreed with everything.

Jim Turner, Applicant; Stated that they read and did agree with everything on the project.

Chairman Schaffner; Opened the public portion of the meeting.

Jason Turner, I am the owner of PMC, general contractor from Holtville. We've worked with the owners of CTR (Hell's Kitchen project) since 2015. We've been in business for about 25 years now and primarily we make a living working with geothermal and now Lithium out in the Salton Sea where there's maintenance and building new power projects. So, we've seen a lot of people come and go, a lot of fly by night people coming, wishing, hoping. CTR has made it through, in our view they have made it through that. This project is real. We've been working with engineering for years now and all the items you guys have seen and more behind the curtain. We've been engaged and hired by CTR to be the general contractor for the entire project for both power and lithium, which is a great testimony for the Valley. I won't promise jobs like a lot of other people do but it always depends on schedule and the dimensions of your project. When you mix in what's going on in the area there's a lot more jobs than what we have now. I came here to speak in support of CTR, the Hell's Kitchen projects. It's been a slow crank at the Salton Sea for a long time it's time to get something going. Thank you.

Jared Naimark, I'm the California organizer with Earthworks. We are a national nonprofit organization that protects communities and the environment from the adverse impacts of mining while promoting sustainable solutions. After 2 years of research, last month we published a report together with Comito Civico Del Valle examining the potential environmental impacts of lithium extraction here in Imperial Valley. I'm not against Lithium Valley. I think Imperial has an opportunity to do this the right way but unfortunately the EIR for Controlled Thermal Resources Hell's Kitchen project is very clearly not the right way. I'm here today to comment in solidarity with concerned residents here in the Valley. I previously submitted written comments on the draft EIR together with Comite, we've reviewed the final EIR and are deeply concerned that the majority of our comments have not received a response and the EIR remains inadequate to properly disclose, analyze and mitigate the significant environmental impacts of the project thus required by CEQA. I ask that the commission not certify the FEIR and require revisions to correct these deficiencies. I'd also like to note that the Final EIR as published completely omits the second page of my comments and it should be revised to include those comments in the record and respond to them. I'm especially concerned about the lack of response to our comments about cumulative impacts of freshwater consumption. How will the project together with related lithium valley projects impact the available non-agricultural water supply? What are the detailed mitigation measures for likely scenarios of water shortages to the extreme drought and negotiated Colorado River cuts? And what would the impact of reduce inflow into the Salton Sea on air quality be and how will it be mitigated? I'm also concerned that the final EIR has failed to respond to our comments on brine spills, hazardous waste management and hydrochloric acid emissions. The EIR must be revised to include

these in the analysis. Finally in reviewing the FEIR I was surprised to learn previously undisclosed information about the applicant's project comments from the State Lands Commission revealed that the applicant plans to use directional drilling to access subsurface resources on state lands. However, this is not included in the project description nor analyzed in the EIR. The applicant appears to claim that the directional drilling is a separate project. However, the brine accessed from this drilling will need to be processed in the HKP1 and HKL1 facilities meaning it should be analyzed as one project not inappropriately piecemeal under CEQA. This is a significant new impact that requires the EIR to be revised. Thank you.

Jurg Heuberger, Good morning, Mr. Chairman, members of the commission, representing Energy Source Minerals. We're here basically to let you know that the response we received to our comment letter, which is comment letter #8 indicated that CTR would reach out to Energy Source Minerals to address and come to an agreement. For the record I do want to introduce and provide a copy to you. CTR, specifically Jim Turner reached out to us we did come to an agreement. We do have a signed agreement for the 2 items that we raised issues on, one being the roads. As you recall Energy Source Mineral's required to pave the remaining 2 miles of McDonald Road previously having paved the first two miles under the Hudson Ranch project, geothermal project, several years ago. In addition to that we're also required to improve Highway 111 return lanes, north, south etc. part of the agreement that the county made with Energy Source was that other companies that eventually would use McDonald Road or the intersections would reimburse for cost incurred. So the contract that we've entered into with CTR is that they will share in the cost for those improvements on McDonald Road and Highway 111. I also want to note for the record however that also includes other participants so while Energy Source and/or CTR may make those improvements, there could be other parties that would eventually reimburse either or both of those companies as well. As you know Cal Energy is proposing a power plant along Davis Road almost immediately adjacent to Hudson Ranch and potentially that could impact McDonald Road as well. While this agreement is between the 2 companies and alleviates the concern Energy Source had relative to getting reimbursed through 4 miles of paving in intersections, the second item we had concern over is the tie in to the electrical system and again as you may not know is when Hudson Ranch was built we were required to build a substation and it is the only substation that I know of if I'm correct that are jointly owned by the IID and Hudson Ranch. Typically, IID owns all substations. That substation made provisions for 2 connections, one being Hudson ranch and of course we anticipated Energy Source Minerals the second connection be for the minerals project. When CTR project came online there was some confusion and Jim Turner and I have talked about it. It appeared that the connection for the power line for CTR would tie into that substation and that doesn't work. So, in the package that I submitted to you, CTR has prepared a diagram that shows how that power line will connect and it'll be on the north side of McDonald Road, and it will not tie into the substation because they were required to put in a substation of their own. Again, that's part of the contract we're submitting to you that's been addressed. Those are our comments and I've provided your staff with a copy along with Jim Minnick a copy of our agreement. You have any questions? Thank you.

Luis Polanco, I'm the environmental manager for CERQ Energy Ranch. The only comment I have for you, the commission, this morning is that the Imperial County has a great and unique resource on our hands. I think it has been great for the community and it looks like there will be a great future for this community economically and job related. I think that in order to ensure that this reservoir/resource has continued use for generations I think the resource should be used sustainably and has viability for the future. I would like to extend it although we don't claim to have all the answers or the experts in how that is going to be managed. I would like to extend help to the commission in future consideration of the long-term effects of these projects that are of great benefit to the community but should be done responsibly. That's the only comment I have.

Daniel Machair, I am with the Imperial County Building Trades. I represent 14 unions and we are here in support of the project. We know that this is going to bring a lot of work and a lot of opportunities for all the different craft to be able to train people here in the community. We feel that this is new technology, a lot of

new stuff coming on and we are prepared to handle all of that. We stand here in support of the project, thank you.

Dr James Blair, Morning Commissioners thank you for having us. I am an associate professor in geography and anthropology at Cal Poly Pomona and I submitted a letter that was part of the packet from Jordan Sisson on behalf of Comite Civico del Valle. I looked closely at the final environmental impact report and the responses to the comments and did not specifically oppose Lithium Valley either. I don't think these responses were adequate for various reasons. First, it's still very unusual that there is no project alternatives at all and I find that kind of lacking, that seems strange. The project fails to consider several of the other projects that are in the area for accumulative impacts both energy projects, geothermal, solar as well as restoration projects. I think those all need to be considered there for meeting CEQA standards on cumulative impacts. The agency comments were very revealing in a lot of ways. We find that CTR has been dewatering without permits. They're doing directional drilling without including that in this EIR. I think those things need to be considered before this is approved. Similarly, they said that they would consider monitoring for seismic activity or subsidence I think it needs to go beyond considering and you know the EIR had a lot of copy and pasted sections there when it came to geology and soils, and I think that needs to be rectified and laid out in a lot more detail. Similarly, there is a lot of these blanket statements about you know especially water use, the IID really pointed this out. There were these blanket statements that in case of a drought they would just work with the IID but there needs to be a lot more specifics there because as we know we have been in long term drought already for decades you know with the Colorado River. I think that really needs to be addressed specifically because that also has to do with cumulative impacts, right? If there is going to be more water use for this project, there is going to be less water draining to the salton sea. That means the water quality of the Salton Sea is going to be compromised, salinity is going to increase, and it potentially means there is going to be more exposure to dust pollution. I think these are problems that need to be addressed in a lot more detail. In addition to water quality impacts and other problems related to hazardous waste from both brine spills, from drilling sumps, from seeping of brine ponds, and of course from handling the storage from solid waste which contains lead and arsenic. There are things that can happen, blowouts, corrosion, abrasion, accidents and all the scaling that needs to be handled, this needs to be explained in a lot more detail. I'm not against this project per se but I think it really requires revision before it can be approved because these things need to be explained. Finally, I just want to say that the tribal consultation for AB52 is also something that needs to be revisited and needs to be continued. It's not something that should be considered complete as a checkbox exercise because those risks really an erasure of sacred sites and this cultural landscape in the area. Thanks so much.

Christian Torres, Good morning commissioners, on behalf of Comite Civico del Valle. We are an environmental justice organization that has been operating here in the imperial county for over 30 years and in the work that we do we picked up a lot of the lithium valley related work almost 2 years ago now. And in doing so we communicated with a lot of the residents of the fen site communities of this area of the north end and have really been collecting a lot of concerns of pollution, solid water contamination, hazardous waste and potential toxic spills, seismic activity associated with drilling and extraction as well as environmental harm to the Salton Sea and the natural beauty of our region. The applicant we feel has yet to consider alternatives for the Hell's kitchen power and lithium project. Its missing a lot of these community concerns about serious health and environmental impacts as well as other potentially safety hazards. We feel this is not acceptable at this moment to approve. The project is located in a disadvantaged community as defined by CalEnviroScreen which identifies communities most affected by pollution in the state meaning our community is already carrying a disproportionate pollution burden. A major concern is the unknown public health impacts of lithium extraction, a recent report co-authored by Comite Civico del Valle & Earthworks titled Environmental Justice in California's Lithium Valley identifies 5 areas of impact that must be thoroughly understood and mitigated before any lithium extraction or geothermal projects should be forward. We feel the application is lacking in some of these areas such as air quality, the construction and operation of lithium & geothermal facilities in Imperial Valley may affect already degraded air quality, our freshwater consumption,

lithium extraction projects will consume Colorado river water for cooling and processing. If the industry expands to its plant capacity it will exceed freshwater currently allocated by IID for non-agricultural use, Salton sea degradation, Salton sea is already rapidly shrinking exposing harmful dust contaminated by pesticides and fertilizers water is diverted from agricultural to lithium production and may speed up the shrinking of the sea exacerbating the air quality issue and compromising restoration efforts. Hazardous waste & materials from direct lithium extraction process will produce hazardous byproducts harmful to human health such as arsenic, lead and cadmium that must be safely disposed of. We've seen this happen in other environmental justice communities and we don't want a repetition of history here in some of those activities and seismic activity while lithium extraction itself is unlikely to have an impact or earthquake risks in this seismic active area further geothermal development might. Another concern is the pollution associated with project construction including equipment use as well as dust pollution and emissions from hauling, vendor and worker trips. By the applicant's own estimation this project will generate at least 4,000 new truck trips in the area producing pollution and emissions that will impact our health and safety including increased asthma & respiratory illness from increased heavy duty vehicle transportation. We also noted that the IID has asserted that the applicant could reduce drainage to the Salton Sea and may further deteriorate the sea's water quality. Given some of these deficiencies and the final EIR were asking the planning commission not to move forward at this moment. We are not opposed to obtaining lithium in a just sustainable manner we ask that the commission require revisions to the EIR consider lower impact alternatives and mitigation measures and protect our community's environment and public health. Thank you.

Daniela Flores, I am the executive organizer at Imperial Valley Equity & Justice Coalition. Our coalition is an organizing group that came together at the peak of the Covid 19 pandemic to address some of the inequities that resulted in having one of the highest covid 19 mortality rates. Since then, we have been active stake holders in the conversation around Lithium since 2020. Our coalition has engaged with residents for years and we want to take this moment to uplift significant environmental concerns that are raised for you to consider. As you consider CTR Hell's Kitchen and final environmental impact report. Given these significant resident concerns and our review of the final EIR we believe that concerns around habitat, environment and natural resources have not been adequately addressed in the current draft. First the final EIR states across multiple sections that the project has no sensitive receptors near within 2 miles of the project site, however its important to know that experts have noted inconsistencies in the draft language. In some sections authors state that sensitive receptors are located within .5 miles of the project site while others state that no sensitive receptors are located within 2 miles of the project area. Further we want to highlight that the project is only located 3.6 miles west of Niland. That means that residents like the children that attend Gray Smith Elementary School would only be a short 3.6 miles away from heavy construction and increased pollution that would take place even with all the mitigation plans. Niland is already a polluted area, we know that. The final EIR regards that this distance is not significant, but we want to emphasize that pollution travels and that it could certainly compound to the already existing pollution that Niland experiences. Further the EIR states that no health risk assessment is needed because of the "short term duration" We do not agree with the characterization and the note that 23 months is a short term. It's nearly two years and with that significant environmental burden that this town experiences you must ensure that prior to any final approval of this EIR, a comprehensive health risk assessment is conducted. To emphasize our point let me remind the commission of the current environmental status of the community of Niland, Niland is deemed a disadvantaged community. The census track identifies the CalEnviroScreen as a scale that can go from 1-100; 100 being the worst of outcomes. This census track falls in the 82 ranking for the overall CalEnviroScreen. This community also ranks 74/100 as it relates to cleaning up sites. So, cleanup sites mean that these places are contaminated with harmful chemicals that need to be cleaned up by property owners or the government. People living near these sites are more likely to be exposed to chemicals from sites than people living further away with the score of 74/100. They also score 78/100 for groundwater threats and as noted from the CCV Earthworks report there is a threat to the groundwater that has been documented as a potential impact. Another indicator 93/100 for hazardous waste category and 86/100 for the solid waste. As it relates to health, the same community experiences a high burden of health conditions due

to the pollution from the Salton Sea, we all know that. From the CalEnviroScreen they score 88/100 as it relates to asthma meaning that this community experiences a high burden making them a sensitive population, only 3.6 miles away. As it relates to natural resources, we believe that adequate consultations with tribes have not taken place, just because a tribe doesn't respond with a request for consultation in the time allotted doesn't mean that tribes have had enough time to consider your request for consultation. We believe that CTR should not move forward with asking for this approval of the final EIR until they have successfully reached tribes for consultation and provide as much time needed for those conversations to take place. For those reasons we deem its inappropriate to approve the final EIR without addressing significant gaps that are related to tribal consultation and without conducting a proper health risk assessment. Two years is too long. It's a long time so we ask that respectfully, you do not take any action today without first addressing the noticed gaps. Thank you.

Carmen Lucas, Good morning I am hard of hearing so hopefully I'm in there at the right place at the right time. As you can tell I'm an antique, my name is Carmen Lucas I'm a kwaymii Indian from Laguna Mountains. My ancestral territory includes the Salton Sea, the ancient Lake Cahuilla and all the kwaymii area of San Diego County and Imperial County. I live on my ancestral home in laguna mountains. My address is PO box 775 Pine Valley CA 91962. I'm here this morning and I apologize for being late, I know that's disruptive. This project concerns me, and I have to say the bottom line is I'm not in favor of it. I've been consulting or trying to consult with different agencies and folks like you for a lot of years. I don't know why imperial valley seems to be the most difficult for Indians to consult with. I've sent you a letter asking that I be consulted with. My attorney sent you a letter you should have it on file and again the issue with consulting with Native Americans is a concern. I will say this that California was never conceded to the United States or anybody else so as far as I'm concerned, Native Americans still have a right to participate in this process. We have a right to object to the use of the land if it is not being used properly. I would like to just read something here. I think it was in 2007 when Tom Gage came down and interviewed me, he was from the California Energy Commission. He interviewed me as well as a number of other Indians in San Diego County and imperial about the history of lake Cahuilla. We gave that information he wrote a nice report about putting that on the national register. Every time I asked him about it, he didn't have an answer and for some reason it got stonewalled and has never been submitted. So, I say that because this issue should not be a secret to any of you or surprise to any of you. We have commented on this for a lot of years. In 2019 he wrote up an archaeological report and one of the things I'd like to read here which I find is really interesting. It was written in 1876 an annual report of the chief of engineers where he's quoted to saying "Indians living in the vicinity and the old white settlers say that at night a flame is seen issuing from the volcanoes and sometimes columns of white steam. Our ancestors, our medicine people have told us since the beginning of time that the earth is alive, indeed it is. When I went out and talked to the folks from Hell's kitchen, we visited the mud pots and I commented then that they have medicine unique to the American Indian. Ancient Lake Cahuilla has been known to fill and drain, fill and drain. I work as a native American monitor at Ocotillo wells for over 10 years. We surveyed those black mases out there and the trails that lead from the ancient Lake Cahuilla Salton Sea into the mountains coincides with the legends of our people that says they knew and saw when Lake Cahuilla was being filled up and those trails go to the mountains so that they escape that water. I think these things are significant. I recognize were in different times. I recognize your community thinks you're economically poor, but you know I come down here and I use your price club, I drive through different neighborhoods they don't look like you're terribly economically deprived. I will say on the east side of the Salton Sea there's a couple of little towns down there being convinced they're going to get wealthy from this process, but I would say you're going to end up developing a horrible industrial complex that'll be okay. I know we put in a big energy section there and the whole area turned into an ugly environment. When you build an ugly environment, you build an ugly society. Again, I would like to recognize that we have different philosophies I'm a believer in my ancient spiritual beliefs, mother earth is alive, the heartbeat is exercised in those mud pots, and I am here just to reiterate for I don't know how many times, please pause, and think about this. Please don't convince your poor people that they're going to get wealthy over this because that's not going to happen. You said the same thing when you built Ocotillo Wells, and it was going to provide a lot

of jobs. I worked on that project. A lot of those people were from Wisconsin, Greenland and they're like gypsies they follow those projects. Again I won't keep any more of your time and I appreciate the opportunity to talk to you. I'd like to be on record that I'm opposed to this project. Thank you.

Tom Sefton, I represent the Eco media compass non profit based locally here in Imperial Valley and I also happen to own a plot of land personally less than half a mile from the project. We as a nonprofit are generally supportive of geothermal development and lithium development done right and with good care for the environment and the people around it. I have a couple of questions. One with respect to how desert pupfish are going to actually be mitigated or dealt with when found. I've personally observed them both in the Salton Sea in proper although many agency people will tell you they are not there. I know they are I have photographed them and observed them multiple times and they are present in several of the drains adjacent to the project and are likely to be impacted by the project. So, I'd like some detailed information about how the habitat will be mitigated for desert pupfish, are they going to be relocated if so where? They are critically endangered species native to the area. Additionally, my question is because CTR is not the only company vying for the IID's supply of water with 25,000-acre feet per year other companies are also going to be asking for that water. I'd like to see some detailed information about exactly how much water CTR is going to need in a constricted water supply environment and how CTR intends to sustain and access the necessary water supply to keep running for both the lithium process and cooling for the geothermal process. I'd like to know how that is going to be dealt with when we reach the point which we will that the existing IID supply is going to be oversubscribed and are the geothermal companies especially CTR going to be asking for additional interim supply or non-farm supply from the Colorado river or will CTR be looking at other sources of water that they could reclaim and clean up. Thanks for your time appreciate it

Chairman Schaffner; he then closed the public portion of the meeting and turned it over to the Commission for any questions and/or comments.

Commissioner Kalin; I wonder if CTR might want to answer any of those questions that might have been brought up.

Jim Turner; I'll address some of them that I can remember I didn't have a chance to write them all down. One of them asked about why we have to be here and not somewhere else. That's simply the geothermal reservoir it's a special anomaly in the earth here. We don't have a way to move that, but we want to explore and try to make use of that special anomaly the best we can. There is a lot of concern about the use of water. We are especially concerned with the use of water as our neighbor geothermal outfits are. I have been out here a long time. I actually came out here on a loan company in 1993. We try to use water as sparingly as we can. We actually have and have had for a number of years a mandate within our company. We have a mandate looking at our use of water looking at how many times we can reuse a gallon of water, one way to put it. How little water we can use in this process. Knowing that water is a precious commodity especially here in Imperial Valley we are concerned about the use of water we had spent quite a few dollars looking at how to minimize that commodity and we'll continue to do so through out the life of the project. Cooling towers on a relative basis don't use much water they have a lot of water that is recirculating they lose some water through evaporation but over the course of year it isn't that much water on a relative basis, yet it is a use of water and we're looking at ways in which we can run these plants effectively but at the same time minimize that use of water. We are looking at alternative sources of water, we have work going on looking at how we can clean up water that is otherwise already been thrown out. We don't have an answer yet but we anticipate that we will at some point in the future to be able to clean up some of these waters that are no longer used out here, use those instead of taking fresh water from Colorado that kind of work is going on. There was a mention about disadvantaged communities as you are aware most of the people that work at these geothermal plants are local. A lot of them grew up here, I've been around I've run all of them except for Ormat. We plan to source probably greater than 95% of our employees right here in Imperial County. We'll train because we have plans for a training facility so that the people that we hire from here can get the

training necessary to operate and maintain these plants. That has been a historical way of running these plants and we plan to do that in the future. We will hire quite a few people unlike some of these other renewable facilities such as Solv for example that may end up having a lot of construction but then doesn't have much in the way of ongoing operation or maintenance. We will probably have somewhere close to a couple hundred people from this plant alone that will get put to work and as we hope to develop in the future we think that its going to grow quite concernedly. Lets see if I can remember some of the other comments. Environmentally, we have been working for a number of years with both federal agencies and the California agencies on how to care for the pupfish. We know there in the drain in some cases. We just recently have performed some work and the biologist found some pupfish doing counts so we know they are there. I think everybody's known there have been pupfish for quite a few years and we are looking at ways to provide habitat for those pupfish while we still are able to build these facilities that we need to on this plant. That's just part of doing business. The same thing with the birds there are a lot of birds out in the Salton Sea area as you know. We have birds in the area where again we have been working with the agencies both at the federal level and the state level in what's the best way to care for these not only during construction but during our normal operations. We want to be a good environmental neighbor as well as just a good people neighbor when we build these plants. We'll design these to blend in the best we can with the environment. Weve done that over a number of years in the other geothermal outfits that I have been a part of. We'll continue that here. Environmentally we are designing our plant to have no hazardous waste other than laboratory waste perhaps and incidental waste if they are generated. We gave ourselves a mandate that if we extract something from the brine it has to be saleable product and we have not let that mandate go. We are very serious about that so in our design anything that comes out has to be a saleable product and that's what we've done so far. That's what we are doing going forward. We have no offsite liquid waste if you remember back in the days when Hudson ranch was before this commission, we had the same thing at Hudson ranch. We had no offsite liquid waste we have the same plans for the CTR plant. I don't know if I can remember any other questions, but I'd be glad to try to address them.

Commissioner Medina, Could you address air pollution for the close proximity cities and what plans do you have to mitigate that

Jim Turner, Yes so first of all the lithium part of the process is totally enclosed. The power plant other than the emissions from the cooling tower are basically totally enclosed. These plants are very environmentally friendly we have very little APCD will provide a permit for H₂S. that is in the geology down below and it comes up with the brine it typically is abated as we go through our process either by a thermal oxidizer or a bio-oxidation type process. These are processes that have been around for quite a few years and worked quite effectively. What we have committed to is the best available technology, that is of practical commercial stature, and we'll take care of anything permitted that way. Other than that, there is a CO₂ emission, we don't generate CO₂ in the formation. As you know, there used to be a dry ice plant out in the Salton Sea area. Dry ice is solid CO₂. It's in the formation it comes up with the brine. It comes up through the earth even without the brine and in some cases, CO₂ is driving mud pots that you've seen out there. The emission of CO₂ is actually quite small, but it is there, and it goes out through the cooling tower and all the geothermal plants that are in operation at the Salton Sea as it goes through the system. It goes right through the turban and out it goes. Beyond that the only emissions from this operation will be what we call scrubbers. So, if you have a hydrochloric acid tank typically it has a vent, and that vent may have a little hydrochloric acid coming out. We have a piece of equipment that goes on that vent, so it neutralizes the hydrochloric acid so that you don't get hydrochloric acid going out you get water vapor going out. Those are twofold their safety equipment that does that for those vents so that we don't get whatever is in the tank. Our emissions from this plant are extremely small they're almost 0 carbon emissions and we basically don't have any hazardous emissions from these operations.

Chairman Schaffner; Commissioners what's your pleasure?

Commissioner Kalin: Made a motion to approve Agenda Item #8a seconded by **Commissioner Bergh** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Roben (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes).

Commissioner Kalin: Made a motion to approve Agenda Item #8b seconded by **Commissioner Bergh** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Roben (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes).

Commissioner Kalin: Made a motion to approve Agenda Item #8c seconded by **Commissioner Bergh** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Roben (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes).

Commissioner Kalin: Made a motion to approve Agenda Item #8d seconded by **Commissioner Bergh** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Roben (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes).

Commissioner Kalin: Made a motion to approve Agenda Item #8e seconded by **Commissioner Bergh** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Roben (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes).

Commissioner Kalin: Made a motion to approve Agenda Item #8f seconded by **Commissioner Bergh** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Roben (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes).

Commissioner Kalin: Made a motion to approve Agenda Item #8g seconded by **Commissioner Bergh** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Roben (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes).

Jim Minnick, Director; Stated **Agenda Items #8a-g** stands approved by this Commission. In which the applicant or any member from the public want to appeal must be done by filing the appropriate appeal in the next ten (10) days.

3. **9. Consideration of Reclamation Plan #21-0001/Initial Study #21-0029** as submitted SMP Gold Corp. (aka Oro Cruz). The applicant proposes mineral exploration activities consisting of using existing access roads and improving some existing roads, as well as constructing a new temporary exploration drilling access road, up to eight (8) helicopter landing pads and sixty-five (65) drill pads to support exploration in seven (7) Drill Areas. The Project would also entail constructing a new permanent access road and 2.8-acre staging area for access to the Oro Cruz Portal on BLM lands. The total surface disturbance on BLM lands for the proposed Project activities is estimated at 21.3 acres. The Project is located on previously mined BLM lands, (APN 050-110-006, 007, 008, 009, 023, 024, and 050-280-001, 012 and 013) within T15S, R20E, Sections 1, 2, 12 and 13, and T15S, R21E, Sections 6, 7 and 18, SBBM; Winterhaven area, Supervisorial District #5), [Gerardo A. Quero, Planner II at (442) 265-1736 or by email at gerardoquero@co.imperial.ca.us].

Jim Minnick, Director; Gave a brief description of the project, and introduced **Gerardo Quero, Planner II,** to read the project into the record.

Gerardo Quero, Planner II; Read the PowerPoint Presentation of the project into the record.

Graham Stephens, Consultant; Read the PowerPoint Presentation of the project into the record.

Chairman Schaffner; Asked if there was a representative for the project to approach the podium.

Del Fortner, Applicant; Introduced himself.

Chairman Schaffner; Asked if he had any questions or comments regarding the project, and if he read and agreed with everything.

Del Fortner, Applicant; Stated that they read and did agree with everything on the project.

Del Fortner, Applicant; I did want to make one comment that we continue to talk about, a permanent road and due to public input to the Bureau Land Management regarding the project there will be no permanent road. There was 1.8 miles of road deemed to be permanent leading to the portal that is no longer the case and the updated edited version of the mine plan of operational work will reflect that it is now temporary and will be reclaimed within the 5 year period. That is just one little correction I wanted to point out. My name is Del Fortner I represent SMP Gold Corp at this hearing. I am a geologist with 49 years of practical experience of permit energy and minerals across the United States. For your information, I have worked for 32 years for the Bureau of Land Management out of Washington DC and in all 50 states I've had my experience. SMP wishes for me to emphasize the Oro Cruz project plan is not a mining plan its an exploration plan only. The project is confined to drilling in known highly suspected mineralized areas where there's been significant disturbance in previous mining activity. Access has been designed by SMP to follow preexisting roads. No mining is anticipated. I think this is a very important point. The area proposed for exploration has been actively mined and was discovered in over 360 years ago by the Spanish in 1660. It's been mined basically ever since and as recently as 1996. Some of the photos you just saw from the previous presenter show the results of the activity. It's got a rich mining history in this area, Imperial County, it's been documented and been evident today and anybody that wants to go out and visit will see that the effects of mining in the past are significant. That's what were basically concentrating our exploration efforts. They say if you're looking for elephants you go to elephant country. If you're looking for gold, you go to gold country. You guys are blessed with that history and with the potential for the future. The state of California has designated the area that we are working in as a mining district. It is open for recreation and prospecting. SMP owns mining claims in that area and also has some private land, but all the proposed activity is on mining claims on that public land. According to this agenda, the hearing is for this commission to consider and approve reclamation plan for the approved Oro Cruz exploration project. And after 2 previous hearings I tried to put myself in your shoes and tried to see what kind of questions you might have so I will attempt to answer the questions as I think that you may have. My first question you may ask is whether the reclamation plan that is proposed is adequate for the commensory proposed disturbance. SMP believes that this is true, and it meets the needs and regulations of the public land manager which was the Bureau of Land Management, and the California Surface Mining and Reclamation Act and the Imperial County enforcement of that law. SMP worked for over 3 years with BLM and with the Planning Department and with the California Division of Mine Reclamation to develop the reclamation plan, so it is quite extensive. This plan has been approved by the Bureau of Land Management, the California Division of Mine & Reclamation and the Imperial County Planning Department and was reviewed by the environmental evaluation committee. The second question you might have, and this was posed by the Quechan tribe letter of December 5th was whether or not the consideration of this reclamation plan is premature. SMP believes it is not premature for the commission to consider this plan due to the fact that BLM approved the exploration plan for which the reclamation plan supports. The Quechan

tribe appealed BLM's decision as their administrative appeal rights allow and the California state director denied their appeal and affirmed the El Centro BLM's office decision. The federal situation in our opinion should not preclude the commission from deciding on the disposition of the resolution before you today regarding the reclamation plan offered by the planning department. Another question you might have under consideration is whether or not the BLM provided adequate consultation opportunities to the tribe. This concern was brought to the attention of the commission during the September 13th hearing, and we were continued as a result of that. The commission decided to continue the hearing and the meeting between BLM and Quechan has since occurred. They did meet and they held a government-to-government consultation meeting on November 3rd just last month. SMP understands the meeting was meaningful and responsive to the commission's request and we hope that is the case and that BLM is pursuing continued dialogue with the tribe, and I think this is evidence by the previous representative. This latest government to government consultation on November 3 was in addition to the documented evidence of consultation by BLM and the county and the public record and provided as part of the commission's administrative record from the October 25th meeting. Another agenda topic is the adequacy of the mitigated negative declaration, the MND implements the level of study required by CEQA and recommended to us by the environmental evaluation committee and that was from November 2nd of last year I believe. To recognize the importance of the BLM and the County in this decision making, the decision was to go joint document, a joint EA for NEPA with an MND or CEQA. So after 3 years of study the EA that was required was completed and that joint study document included the MND. BLM approved the environmental document on September 1st and the planning department followed the BLM decision by scheduling a planning commission hearing on September 13th. At that meeting it was recommended to approve the aspects pertinent to the County as per SMARA and CEQA and drafting resolutions for the commissioners to support their findings. BLM decided after consultation and extensive studies of government-to-government consultation with the tribes to approve the exploration plan on federally owned land managed by the BLM. After BLM approved the Oro Cruz exploration plan there were protests delivered to the commission on September 13th and on October 25th and appeals to the BLM State Director on September 29th. We're not sure if the Quechan will ever agree with the BLM's decision although their support would be great for economic development for Imperial County. The tribe will most likely explore their administrative appeal rights with the BLM, but this is not necessarily contravening the decisions and responsibilities of the state and the county. That's our opinion. SMP seeks your decision today and I'm here to answer questions you may have. Joining me by video conference, is Dale Wallster he's the CEO and president of SMP Gold Corp and David Tupper Vice President for SMP Exploration Gold Corp. if you have any questions for me Dale or David I'm here to entertain those. Thank you.

Chairman Schaffner; Opened the public portion of the meeting.

Juan Valencia, I am a lifelong resident of Calexico. I am appearing today as an Imperial Valley Community advocate to denounce the Oro Cruz project that is once more seeking further approval from the planning commission. Quite sadly, I'm one of very few advocates from the community who are even aware of this project in the centralized cities of Imperial County which speaks to I think how little thought community input this entire project has received. At the last meeting on this matter on October 25th, I witnessed first-hand the carelessness and disrespect with which SMP Gold and the Planning Commission went about approaching their dialogue in consultation with our local Quechan tribe. Today is the first time that I hear you all pronounce their name correctly. For instance, SMP Gold mispronouncing the tribe's name multiple times while touting over 400 pages of tribal communication for instance to me was telling enough of just how significant and engaged this tribal consultation has truly been. Not to mention the insistence from tribal council members from the Quechan tribe who have claimed their letters for lithium valley and this matter have been ignored. What resulted from the planning commission delaying their decision on October 25th was SMP Gold expressing how unfair such a move was for the proponent of this project showing where their convictions truly lie. Their only interest is in moving this gold exploration project forward as quickly as possible with zero concern to the damage and defilement to the land, history and ancestry belonging to the native people who reside in this county. I understand that the issue here with the planning commission is not consultation as it was previously established you all are simply going to make a call on whether everything

was good on paper and you want to move forward. However, I am offering this comment to you to try to at least build some conscious in your heads as to what you are truly doing by voting yes on this. You are saying yes to SMP Gold's previous affirmations that the gold mining history of California is a proud history despite gold mining in California since its initially established laws in the 1800s has been ongoing project build to remove and eradicate native people from their native land, a legacy which continues to harm native communities as we are witnessing today with the Oro Cruz project. You are saying yes to ignoring the environmental and water use concerns being voiced by the Quechan Tribe who reside in one of our disinvested and neglected communities. You are saying yes to disturbing land that has been named and held sacred in Quechan's beliefs for thousands of years for longer than the Bible has been written for the simple act of allowing a Canadian company to search for any leftover profit in our already overly mined and extracted land. By saying yes to this Oro Cruz project and by proxy saying yes to all that I named, then I'll, I an imperial county resident, have to answer back to SMP Gold and to all of you is shame on you.

Crystal Cortez, Though this is an opportunity for employment we need to pay some respect to our elders especially those who have lived on this land before any of us, the Quechan people. For far too long, European settlers and their descendants alike have had an unquenchable thirst for money and power to which they have no limits and know no bounds. To them everything is accessible at the expense of whomever and whatever. I recommend you read *Open Veins of Latin America* 5 centuries of the Pillage of a continent by Eduardo Galeano just like the human body when you tap a vein time and time again the skin bruises. Similarly, when mining you destroy ecosystems and hinder new lives for an extended period of time. This land is sacred to the Quechan people who have lived here thousands of years and like many native nations, nature is their religion and earth is their temple. They do not seek to splurge on lithium deposits nor demolish their habitats. Exploration or mining will have the same results. Natives are stewards to the land they simply seek to coexist with nature with their sacred land as their ancestors once did. Lastly let us not forget that since the first interactions between Native Americans and American laws, natives have had to convince council of their humanity. Its time that you convince us of yours. Thank you.

Jason Andrews, Good morning, everybody. I am Kayan Apasheshi born for the Fort Yuma Quechan nation for our clan and the Tejano othon nation hawk clan. I'm here today to denounce your guy's decision on this mining here on our ancestral land. I am a local bird singer, traditional, I practice my culture in my ceremonies presently. I am also an archaeologist. I've studied the land this mine is going to be opened up if you pass this decision along. The stories that we tell in our songs have been told and passed on for generations and generations. The stories that we speak of tell of a person's life a person's journey from beginning to end as witnessed by the animals, by the habitat around us. It was not us that was telling the story to us, it was the animals that were telling our story and they gave us the songs. These songs we sing today over and over, our ceremonies for our funerals, we are one of the 2 remaining tribes in the nation that still do our cremation ceremonies traditionally. We are a very proud country, a very proud nation who sticks and holds to our culture and bringing this mine into our land, our ancestral land, is basically raping our mother, our creator. Kuma gave us this land; Kuma is our creator. You guys call him God we call him Kuma. He's our creator and he gave us this land. When we came from Avi Kwa Ame, our spirit mountain, we all journeyed. I'm going to give a little story of our history. From my perspective and an archaeological perspective, we journeyed from Avi Kwa Ame up by Laughlin when the first Quechan came. First Quechan came and then he made his journey and other Quechan's came about, broke off created their own bands here and there. So we have the Mojave, the wallapies, the javesupies, the crit, the Mojave, we have us down here Quechan, we have Cocopah's, we have the kumeyaays. We are all related. Like the other lady speaking in the last one, the nation's weren't heard in the last mining thing. The Kumeyaay people weren't heard or else they would've been here. You guys need to open your ears up to the people around you to the people of this land. Our land has been taken and raped from us since the beginning of time, since the white man and I'm sorry to say white man has came to our country, our homelands and assimilated and colonized us. Took everything they wanted and put us on these little reservations, these little pieces of land they call reservations and when they found out we had resources on these reservations, they decided to take from it and then call it okay. I'm not sure I know it isn't you guys, the guys in the past have opened up this land to

the miners before. With us not having a voice with us not knowing what's going on back then and not knowing the business of mining and the politics that Native Americans didn't know about. Now we are modernized, now we are twice as smart because we know our culture and we know your guy's culture. We've been educated to be, to learn your guy's ways so we don't have stuff that happened in the past happen again. Now I'm standing here today for you to open up your eyes and realize what you guys are allowing this to happen to us already. Our people were raped once already we can't allow it to happen again. He says its safe he says our people knew about it he says he went to meetings with our council, with our tribal people, no. I have not met this man I have not seen this man once in the council meetings. This man over here says there were meetings being held between the tribe and them. No. false. Thank you guys I just ask that you please open your guy's eyes.

Priscilla Townsend, Good morning. I'm glad to see you all here. I'm happy to be here with you and share a little bit of my knowledge on what is happening here. I'm not 100 percent aware of all the steps. As Jason had relayed, I'm not aware of these meetings with the council. I'm an off on culture committee member for the Quechan tribe. I had not been a part of that committee for a period because of my personal business. The culture committee I had inquired about yesterday. What is this can you share with me bring me up on this action that is being taken. I was told that once again the mining was not approved by the committee. They had never agreed to anything in the line of mining and disturbing our lands. The mountain Cargo Muchacho is a landscape that we use to utilize when the tribe had spirit runners. I'm talking about 16 17 1800s there was no transportation. The tribe had run up to San Diego and back and further on occasion to relay messages from our tribe to the other. As it was relayed, we are relatives. So, the landscape holds very important subject for us because it is a part of our history it is a part of our identity that we have always looked at and cherished and had taken care of. There are many things out there that they continue to tell you whenever they get an opportunity to do this. I wanted to share that I also realized after I spoke to the committee that this is based on the mining law of 1828. I wanted to share also from the justice of indigenous people of 1978 the Quechan people are constantly engaged in a battle to mountains to maintain and protect traditional and cultural beliefs. They must have access to sacred sites and be allowed to practice their spiritual beliefs in peace. These are not merely cultural and spiritual concerns but human rights that are identified and protected by international law. Thank you and I do want to say thank you and have a good day. I would also like consideration for the tribe not to agree and approve.

Ina Hall, Good morning chairman, commissioners, I am honored to be the vice president of the Quechan Indian tribe. I bring a copy of a letter that was emailed to you on December 5th, 2023, from our attorneys in Washington D.C. It is at this time we stand steadfast in our convictions while continuing to follow the proper procedures until we have exhausted all of our appeals with BLM to deny the Oro Cruz permit. It is our relationship with the United States government that reminds me us as Quechan people to continue have faith and trust that all voices will be heard, and we're afforded every process that we're entitled to as original caretakers of this land. Therefore, we request to table these discussions until we have exhausted all of our appeals with BLM and hopefully our appeals and efforts our successful. With the two gentlemen that spoke in the beginning, I just wanted to make note in our last meeting that we had here in September, President Joaquin was speaking he did say that there was no consultation and there wasn't official consultation. The only meeting that took place was in November on the 3rd with the tribal council that's on record. That's the only time we have record of that meeting it was recorded and that can be offered to your office by request. With that we're just asking you to please not approve this process so that we may continue to defend our resources as Quechan's. Thank you.

Commissioner Bergh; Mr. Chairman I'd like to request information as far as the meeting on November 3rd. What took place is there anyone here that knows what exactly happened?

Jim Minnick, Director; We received a letter from BLM. It has all the information.

Commissioner Bergh; I saw that. In other words, there's no documentation as far as what transpired during that meeting

Jim Minnick, Director; We just have the BLM Letter. We were not party to the meeting.

Commissioner Bergh; Failure upon BLM

Fernanda Vega; I am with Imperial Valley Equity justice Coalition, an organization that supports and advocates for the environmental and social justice issues here in our county. Today we stand with the Quechan tribe to stop exploration from happening any further. Exploration will only lead to a full-scale project. This area is known to be to the Quechan tribe as a cultural sacred area and this project looks to drill 65 holes down to 800 feet, use 2,000 gallons of water per day. All these types of activities will only cause irreversible damage to this landscape. If we look back at the history of the mining law of 1872 this law benefits no one but those causing the damage. These loose mining regulations allow mining companies to dig riches out and leave the mess to the taxpayers. Not to mention that hard rock mining can also pollute water for thousands of years which will require perpetual water treatments and funding for that for the surrounding communities. To finish off think about the monuments in ancient trails that Imperial County has deemed important like veteran monuments or the Anza trail. What if a project like this were to be proposed in such areas? Picture holes being drilled or having a helicopter pad around these areas, would you allow them? Also, its super disheartening to see how you dismiss a woman up here who is trying to let you know about her comments and you do not even let her finish and start naming the next person.

Lorey Cachora, Morning, I'm not going to take up too much of your time. Just the other day I got pulled into this. I have been around for quite some time not only in America but Asia, Europe all over. I've done some extensive studies. The human beings themselves. Now I'm connected to two organizations, one is land water conservancy Inc and also preservation of the Quechan way. I am a tribal member and I want you to know that in no way I'm connected to the Quechan tribe. I am a tribal member speaking for the community. This is how I got involved. Why aren't you up there, upfront? I've heard this coming for a long time but then again there's so much I can't give to you but this morning I'm going to hit the surface of who we are and what we're capable of as Quechan people. First of all we talk about science, evolution according to my studies back in the days it wasn't me but I cast ashore the ocean that gradually crawls up eventually walks went through transformations through time and now has evolved where we're at today. Our culture in that way is similar. That we came from the water as well. But taken examples today that man and woman together conceive a child and that child that first born is an infant that is born with no knowledge eventually its able to crawl and eventually walk talk as human. They go through transformations that's something we don't look at in the past, which how you and I came into this world. We take things for granted thinking this world is always going to be around, so we do these things such as mining that I've heard exploration. Now, those terminology continues to change over time, and I saw this in my time. I too am retired from world of anthropology, philosophy all of these things I've worked for science for 45 years retired and I'm well aware of what's taking place between both tribes in the United States and all. I fought hard in 1998-99 all the way 10 years during the Indian pass and I've learned I think you and I both have learned lessons from that. At least that's what I thought but here we are again. I stood here years ago in front of the county board of supervisors as well, so I've been around and were talking evolution. It's an extensive story that the tribe has that we cannot do in one sitting. But to give you an example now we talk highly of artificial intelligence that are now going to evolve around the world. Eventually probably take over our jobs, the future but in the meantime, I hear some science say this is the first invention of our artificial intelligence. Everybody is up and arms about that new invention. For me it isn't, for me its old. Again, when you look back on the time our creation we weren't born 2000 years we weren't born 45,000 years but beginning of time when the world evolved. That's why we are able to talk about the universe the earth life and after death all together. This includes artificial intelligence. Were sitting there we don't realize that you and I in the very beginning our ancestors their ancestors were the first artificial intelligence on this world. Who created those people? Who created that amiba to flow down up to walk upright and sit with all of these things we have in our possession today. We talk about the creator this is very important so we continue to go on of negative and positive the use of lithium I can explain that too. I can't do it one setting but I do thank you for this time.

Preston Arrow-weed; I've heard some very good comments going back into our tribal ways. Theres so many things in our tribal ways that no one understands except us. We've lived in it for thousands of years. To go back to Oro Cruz what I see is that we are going to condemn the creatures of Oro Cruz in those

mountains. I read a report that said deer and the big horn sheep go through there. The deer is very important to us, it was very important to you too, to all of you. You eat it when you're hungry. It saved us. The big horn sheep the same thing. And there's other creatures but these are the main ones that I'm going to talk about. The deer sacrificed his tail at the first cremation he threw his tail into the fire. That's how we remember him. the bighorn sheep is called uhmuh and our song the coming of dawn the morning star is called uhmuh and we sing that song whenever anyone has a celebration or whenever some one passes away. We sing that song as they leave. These 2 creatures are very important to us. It's our religion, it's our belief. Weve always cherished all the living things in the desert and who is here to speak for them been pointed to the creatures and animals out there. The desert wren is very important because the desert wren gave directions on how to cremate. Lizards were very important because he started the fire, so these animals and things are important. What does it mean? to you or to us or to others? just animals just creatures but they are living things created the same as you and I. we condemn them for gold. Now I know that they say only 80% is jewelry the rest I don't know what they do with it but that's what happens. Our songs yes, I'm a tribal singer. I can sing 2 cycles of songs that go all night. I can sing them and tell you wherever I stand and sing its important its sacred where I stand. I only sing it in Imperial valley imperial county. I don't go outside of that. If I do its only to give a demonstration on the song but I've been singing these songs since I was a young man. I don't sing too much anymore once in a while I do but all these songs and all these stories are religion, our belief. So, it's like telling me the destruction of my religion my belief doesn't mean nothing. What if the religion the belief of America was destroyed too? Because it means nothing. The same thing happened to us. Our belief is very strong and has kept us alive this long. I believe that how many people are going to really understand what it means. We don't and I've tried to teach that for years. I taught them how to sing. That isn't enough time to save the world. You make the rules. You make the rules so we can't say anything.

Johnathon Smith, Good morning. I am from the Quechan Reservation in Winterhaven, CA. I am here to represent the youth of the Quechan tribe. I am 16 years old, and I am a junior at San Pasqual Valley high school. I am proud of my culture, our traditions and the teachings I have learned from my elders. The SMP Gold Corporation is proposing the Oro Cruz exploration and large mining operation to follow. This project will disturb and damage 20 acres in the picacho area where I live. The land is sacred to all of the Quechan people to everyone, the elders, and to the young. The tribe performs sacred ceremonies in this area. This land includes prayer circles and our ancient system, our ancient trail system called Han Quechan which connects us to Ave Kwame our sacred mountain of creation. In March of 2023 Ave Kwame became a national monument. This project will destroy our sacred land that is tied to our traditional songs, our spirit running and our religious practices. The Quechan youth would like our sacred land to be preserved so we can continue our traditions and our powerful singing. Thank you.

Barbara Levy, [speaks Quechan language] I speak from my heart for my people. Why? Because we are the ones who suffer. Maybe from poison, from chemicals who knows we don't know except those who are mining this project. I have no idea what is being used to do your mining for gold. The gold is no longer in chunks; the gold is in dust. I think that's what it was unless you have discovered chunks of gold is why you want to come to our land. We are 15 miles from your project. It's very close and we are afraid of chemicals. As I stand here and speak, I have medical problems. It's very hard for me to be here to speak for my people fighting for what we have left which is not very much and our voices not being heard. We are speaking for a limited time the time I have to talk to you about our destiny. It would take longer than a night for you to really understand who we are where we come from. You heard the speakers that just spoke to you. What they mentioned to you is true, what they said is true. Even though we don't know how to explain to you in the English language which is very difficult for me to do because I am a full blood Quechan. I have lived here on the reservation for 78 years. I have seen many things come across our land, the suffering we have gone through, and we are still going to suffer some more. Have mercy on our people. God has brought us here. Our great creator has made all of us and I respect my land and your country. Your country is the United States of America. My home is Fort Yuma Indian reservation. We have been put their on thereservation by reservation by reservation by the United States government. The United States government controls our

people even though we say we have self-sovereignty. We have no self-sovereignty left we have not been heard. We have been ran over by a tractor or truck, that's the way I see my life to be. It's very hard for me to stand here and talk to you after the life that I've suffered. I should have died a long time ago but I'm still here. Why I'm here I don't know but now I know why my grandfather spoke to my father and my father got knowledge from my grandfather about this land, about the songs, the animals, all the things that we are talking about this morning. We have gone through that life. We kept the earth clean, the water clean unpolluted, the sky was blue the grass was green the water was blue. You look around today at its pollution. You see pollution here, poison, contamination, health. We are suffering from health a lot of people have died from cancer due to what's going on with the development. The modern development the chemicals all these scientific matters that are coming through which I do not understand. This is it this is the way we are. There's only 1000 left out of 10,000 tribes. That's all.

Christobal Illingworth, I'm from the hunnepux and I'm also a Quechan member. I must say when is it going to be enough. There's always been a lot of damage over there. You can go drive past Yuma and come over here and you'll see one of our sacred mountains destroyed looking like a pyramid. When is all this mining going to be enough? That mountain is called vi ka lo it's one of our sacred mountains. There's a lot of things we have sacred over there there's a lot of geoglyphs even over there by cargo muchacho where you guys want to mine. We have been trying to stop this for a while. Elders who have been here many a time who have been here to the superior court its getting enough. You guys need to stop these mining. We got these Aquifer you hear about these droughts in California. All this water we need this water, a bunch of Aquifer. What if the Colorado river does dry out and you guys need this water. You guys drilling this hole and you get something in there it destroys that water and where is that water going to come from. Were going to give poisoned water to El Centro San Diego. I just think that's enough, we must stop this. I'm hoping you guys decide no on this project. That's it, thank you.

Daisey Simms, hello I think I am the oldest one here. I'm 86 years old. I was born in 1937. These things that they were talking about I know I live right below there right above that's what they were talking about picacho peak. And all the outside people coming in there already running. They were telling me to go into our territory where I grew up right below. You know I live there I grew up seeing everything changing. When I went to school there, I went to San Pasqual school that's where I started they told us to speak English and no more Quechan. They punished us all the way up. Then went to Yuma high school and then the people started complaining. Our reservation when people start coming in running at our territory. Right there where the casino is paradise, I notice Arizona coming in. before it was the Colorado river right there that breached Arizona, Kumeyaay now at the catholic church now its next to paradise. Golly, I said we are going to be in Arizona they'll probably tell us to get out that's where I'm living right now in the housing area. Part of the cachupichu they're talking about I never did go up there, but they said its sacred land. There's one person there that I remember that old lady that rides in the horseback and she goes up into the mountain getting gold there takes it to Yuma and sells it gets her food go back people follow her to see where she goes, she disappears. It's the story about her that she gets gold up there. Now our people are saying the Americans the whites are going into the sneaking around and looking for something then they found out there's one there that's gold under there and coal under there, whatever. That's when they start bringing in machines but as usual were real quiet, we don't do anything. We don't do anything. Everything is wrong done from there going up sea. Now they allow these drugs going in destroying our people I don't really like it but that's what's gone in that area. It's really terrible. Its terrible. All our Indian doings now is getting out too. No more sacred stuff and everything is done away, put away. That's all I can see that were all going down. Like I said Arizona is coming in and I don't know what else. They really don't look at us. When celebration comes, you know what I mean is Thanksgiving Day bring up Quechan and recognize the Indians and all that stuff. Now all of these things are coming and going in our territory which I think it is wrong.

Faron Owl, I'm a Quechan tribal member. First of all I want to acknowledge my teachers and our Quechan peoples teachers that are here today, our elders I think that's magnificent just to have them share a little bit 3 minute story and I know a lot of them cant complete it today. At least you get a little bit of the history. I think one of the important words that we hear here today from listening to our elders here is cultural

genocide. With your vote today you promote cultural genocide you know if we look at history. From 1540 of our Quechan people the Spaniards came over. When the Spaniards came over what were they looking for? Gold. From that point on disease has been with us. And then who came in after them? All the federal government. They got our land and they put us in locations where the resources there were not good. We were fortunate to stay along the Colorado river. We were fortunate to have that beautiful area out there. How many of you have been to Oro Cruz? Not even one. Take time to go over there and look at it. Look at the devastation of what they left. Someone made a comment about it its horrible to go out there. They just left it and now were going to give permission to for this other company from Canada to take that money to take that gold to whatever they find, the elements they call it and take it with them for their profit. I don't want to have anything to do with that profit because I know what's out there. Cultural genocide we keep seeing it over and over with our land with our water and its there and I challenge you. I challenge you to come out there and look at it. I appreciate you guys giving us the voice today to be able to express what's going on. But also, in my heart I want to see my sacred sites, our sacred sites live for the children that haven't been born yet so they can have their history and keep it. Just like the history you have from your families. You know if you gave me permission to destroy your family's history is that permissible? No, it's not. It's important. What you're voting on is very important and I challenge you to look at history not just the dirt what BLM has told you or the gold mine has told you. Of course, they want you to approve it. Of course, they want that gold out there but more importantly, cultural genocide. That is the most important for our people because I want to see us progress. I want to see our tribe progress. Theres about 3500 of us. That's small and slowly we are going, our culture is going but our land our resources are going faster because people with greed people from other countries are coming in and asking for water for land for all these things. The good thing about a good example is in phoenix they wanted water a foreign company they came and denied it and said no its not going to happen. But now we are in Imperial Valley, and I challenge you again to look at the history and really study it. We have plenty of people that can give you those. I thank you for your time and I appreciate the elders that are here today, and I thank them. I thank you for your time.

Daniela Flores, Good morning again planning commission. I'm here to oppose this Oro Cruz project and I ask respectfully that you oppose. There has been a lot that has been said that I hope you will take very seriously. Asking ourselves what it is that we are going to use this gold for? It's a vanity project. You heard the wright of the decision what the cost of the vanity exploration. Consultation clearly has not been enough. I think we have enough evidence here to see that there was one meeting documented on November 3. We don't even have extensive reporting on what took place there and that's one meeting in an entire year. That to me and the fact that council members here from the Quechan tribe are here letting you know that there's further consultation needed. This cannot be approved at this time. Theres clear evidence that more conversations need to happen. The end of consultation is not just to have a meeting and check that box. It is to have a meaningful discussion to discuss the points of concern and respect the opinions and apply those into the decisions that you make. It would be completely irresponsible for you who have never even been to the site as was just emphasized to approve it with one meeting of consultation. Clearly there is a lot that has not been addressed. We're seeing colonization before our eyes. Our generation gets to see if you vote to approve this you will be contributing to the colonization that has been done. And yes, you will wear the label of colonizer. I urge you to oppose this project. Don't be a colonizer.

Commissioner Bergh; Besides what you've heard here today have you read the 1000+ pages of the document?

Daniela Flores, I'm not going to sit here and justify my position. Thank you.

Commissioner Bergh; I'm not asking you to justify it I'm saying did you read the documents ?

Daniela Flores; I don't have to answer that.

Commissioner Bergh; I have been there. You can't disagree with something based on someone else's say so.

Daniela Flores; What makes you think, why are you assuming that I didn't read ?

Commissioner Bergh; I'm asking you if you read it.

Daniela Flores; I don't have to tell you that. Why didn't you have any questions for anyone else?

Commissioner Bergh; Did you participate in the meeting on November 3rd?

Daniela Flores; I'm not a tribal member I'm here advocating

Commissioner Bergh; You're objecting to it cause you're here

Daniela Flores; Look there are a lot of comments here. I find it maybe even sexist that you are choosing to talk to me at this time when you have not had any comments for anyone else.

Commissioner Bergh; It's your generation.

Someone from the crowd; Colonizer. Racist.

Jared Naimark; Before I start my comment I would like to ask we have several commentors on zoom how can they participate?

Chairman Schaffner; Are we able to do that?

Jared Naimark; I'm not sure how many are on there maybe 5 or 6. They've been waiting patiently for the opportunity to raise their hand.

Chairman Schaffner; Thank you we didn't know that. We'll certainly do that.

Commissioner Cabanas; They have 3 minutes.

Jared Naimark; okay can I give my comment and then go to them on zoom?

Commissioner Cabanas; 3 minutes and then 3 minutes for them.

Jared Naimark; California organizer with earthworks. For the past two years I've been working in coalition with conservation, environmental justice and Quechan tribal organization concerns about the impacts of gold exploration as we've heard. Unlike lithium, we simply don't need more gold. I'm here today in solidarity with the Quechan people to urge the commission to reject this flawed MND for the Oro Cruz project and require and EIR. Earlier this year, I visited the Cargo Muchachos with the Quechan elders I was shocked at how much destruction is out there from past mining, open pits, keep leach piles, tailings, dotting the landscape but even amidst all this destruction there's much to be saved. Intact mountains habitat for desert tortoise and ancient trails that go through the area part of this much larger sacred traditional cultural property stewarded by the Quechan time and memorial that connects them to their place of creation of Ave Kwame. In March I joined tribal members in a spirit run to a geoglyph located near the Oro Cruz project and listened to Preston Arrow-weed sing the traditional songs that tell the creation story and the importance of protecting all living things and landscape. This project would have a significant impact on the TCP, the traditional cultural property, and the ability for the Quechan to practice their religion and these impacts have not been analyzed or mitigated in the MND despite numerous comments to do so. I would also like to remind the commission of our joint comment letter submitted by the Center for Biological Diversity. Even today there was still a discrepancy in the county's presentation which listed a permanent access road. It was good to hear that clarified that will indeed be temporary. The problem is that the reclamation plan has failed and the MND has failed to address the potentially significant impacts of the 5-year reclamation plan period when that road is opened on the biological and cultural resources. This is a serious flaw that does not comply with CEQA or SMARA. I would like to remind the commission that under CEQA you are responsible for looking at impacts for the whole of the project, that's the purpose of the MND. I would also like to clarify a few points from earlier we heard from the project proponent that this is a mining district. While its true that historically mining has taken place there this is designated as an area of critical environmental concern for the purpose of protecting cultural resources and biological resources. Mining exploration should not take precedence over that. I would also like to clarify that consultation we know that it cannot be a check box exercise it cant just be one meeting. We need to hear how the county and how the BLM is going to take seriously the tribes

repeated objections to this project. Given these issues, I respectfully request that the commission deny the project at this time until an adequate reclamation plan and environmental impact report are prepared. Thank you.

Bradley Angel, I'm the executive director of free action health and environmental justice and thanks for the opportunity to provide some comment which I hope that comment from the Quechan people and other commentators isn't going in one ear and out the other. That is my fear just watching you. I listened to and I've heard company and government officials talk about oh there is tribal consultation. As other speakers have said consultation with native nations who have been here long before any non-indigenous people is not just a checkbox. Consultation is supposed to be meaningful not b.s. it is not supposed to be oh yeah, we met with them and now were going to say were done with that. Failure to listen to and to open your heart and your mind and the law and to find all the law about meaningful tribal consultation about protection of areas that are required to be protected environmentally. This needs to be meaningful. It needs to be taken seriously and you know it is none of my business what any of the commission worship, what religion you are part of, that's each of our rights but you would never allow desecration and destruction of your sacred places, let's be honest. But apparently, it's okay to destroy and desecrate indigenous landscapes and sacred sites and areas of cultural significance. I too was out there and was honored to be taken by Quechan elders and other tribal members out near the site. I think it was back in March and as Mr. Naimark just commented as we approached the first thing, I see is ancient geoglyphs very sacred and this is the area. You think it's okay to desecrate and destroy in that area that is not okay. I respectfully ask you to listen to the first people of this land to respect religious freedom to respect the laws requiring meaningful consultation with native nations and I respectfully urge you to reject this outrageously terrible project. Thank you.

Cary Meister, Thank you for the opportunity to speak. I am representing the Sierra club desert committee at the request of our chair Jon Taylor. I want to thank you for your past continuances which I believed showed sensitivity to the concerns of the Quechan people. Last night I'm speaking to you from Las Vegas the Colorado River user's Association Conference where the Quechan tribal council is also attending. Last night I recapitulated backwards the journey of the Quechan people and other Yumans speaking yuman language speaking people from Yuma past of ava Kwame in southern Nevada. I wish I had Preston with me or one of the elders to explain what I was going by but nonetheless I had a much deeper feeling about this journey from what I have learned from the Quechan, and I will go in the correct direction coming back when the conference is over. I could try to summarize in letters what has been submitted by the Sierra club with our allies that you have received but I assume you have read them, and I think its time to speak from the heart as well as point out a few other things. One of the things I noted on the slide was that the tribal council still opposes this project and I think that was glossed over and should be considered further. also, cultural resources we talk about cultural resources that's a scientific term or somewhat scientific term of archaeologists. What we are talking about here is sacred sites and I think the elders have made that clear with their presence and it is not easy when you're in your 70s or 80s and fall ill to some of the conditions of old age to travel all the way from the Quechan reservation to El Centro to speak. I think the elders who endured that journey today. Also, I think that we need to listen to the words that the Quechan are saying. What words are they using? They're using a different language they're talking about spiritual things and as we all know and as Bradley referred too, we all have a right under the first amendment to freely exercise our religion without regard to what religion that is. I think the BLM is a little bit rusty or never learned about first amendment rights and the American Indian religious freedom act when they so easily dismiss an appeal to their state director. I think they need to do some work on that. This is a first amendment issue in terms of euro American law. Another thing I'd like to say that three minutes I recognize the need for the commission to expeditiously do its work but my understanding is that there is tradition in valuing speaking oratory in Quechan culture and 3 minutes you're just getting started so please take that into consideration. You might have to listen all night to someone to really understand from a Quechan point of view what's going on. Please deny the matters before you thank you.

Hallie Kutak, Hello commissioners I am an attorney with the Center for Biological Diversity. I along with other organizations thought to testify today and other commentators here. We submitted as you know

extensive comments we've also participated extensively in the administrative process. We recommend that the county do not adopt the reclamation plan and associated findings at this time. We've repeatedly raised our concerns in the letters I won't summarize them all here but I would like to highlight two mistakes that the County made on the record that really undercut the legality of the county's action should it approve the project. First the county today stated that the project would include 1.8 miles of permanent access roads. I'm grateful that someone clarified on the record that there would be no permanent access roads but this really does beg the question what's included in the county reclamation plan and whether it adequately reclaims the road that it thought up until this meeting would be permanent. As you know SMARA requires that road to be reclaimed. Second the county also stated that consideration of drilling activities is outside the county's jurisdiction this contravenes established case law Nelson v County of Kern. We said it many times but just to reaffirm it here the county as lead agency is responsible for the surface mining and reclamation act to evaluate a mining company's entire proposal for surface mining when determining whether to approve a reclamation plan. Its improper for the county to sever the mining operations from this scope of its review under SMARA. If the county should approve the project today, it'll contain those two mistakes that really undercut the legality of its approval and should it approve the reclamation plan for those reasons and the many the in our comment letters we will be filing an administrative appeal. Thank you.

Chairman Schaffner; so where do we go from here ? Before we do anything I'm going to make a recommendation to the people who are against this project you need to go over to BLM and tell them to make it a national park so we won't have to do this anymore. That's where I think your time would be better spent but that's just my opinion. The public portion of the meeting is over?

Chairman Schaffner; he then closed the public portion of the meeting and turned it over to the Commission for any questions and/or comments.

Commissioner Medina; Yes I have a question did this meeting actually occur

Jim Minnick, Director; According to the BLM letter yes it did occur.

Commissioner Medina; According to the letter but we have testimony from numerous of our audience that it did not occur so one of them I would say is not telling the truth. Did it occur or did it not occur? We sent this matter back so that they could have a meeting.

Jim Minnick, Director; We have 2 letters one from Quechan tribe and one from BLM saying the meeting did occur

Commissioner Medina; Was there a concession between the two parties

Jim Minnick, Director; No sir

Commissioner Medina; So there was no agreement? We can have meetings but nothing happened

Jim Minnick, Director; what's before us today is the reclamation plan not the approval of the project itself just to approve the reclamation plan

Commissioner Roben; Let me ask you a question so this BLM land supposedly they have already approved this drilling site

Jim Minnick, Director; Yes sir

Commissioner Roben; So they continue their appeals and actually win their appeal there's not even a need for a reclamation plan is there?

Jim Minnick Director; Yes sir correct

Commissioner Roben; What's the harm of holding off on this and waiting till that all gets exhausted till there's no reclamation to do

Jim Minnick Director; that's up to them. According to the BLM letter the state BLM denied their appeal so I'm not sure where they go from there with regards to the approval of the project. But again, we are not here to approve the project we're here to determine whether or not the reclamation plan is adequate to serve the project

Commissioner Roben; I would like to make a couple statements to some of the commentators were making judgments on us before we even had a chance to voice our opinion and the fact that we've extended this 3 meetings should show them that were actually concerned about this and we want to do the right thing. We had a meeting, and it looks like there is disagreement still about that and I hear the public expressing that this is there sacred land and all that but I don't even know that us voting on it even matters. Nothing can happen until the BLM does something right.

Jim Minnick director; Our actions are subject to the BLM. The BLM approves the project pursuant to an MOU between the BLM, US forestry services and the state of California. We operate SMARA on BLM land only to the extent of the reclamation not to the approval on the federal land. So we're here today to determine whether or not we agree with that aspect and if they appeal to the board they are welcome to do that. If they continue to appeal on the federal approval they are welcome to do that. That's not what we are here for.

Commissioner Bergh; So it can be continued and there is no problem at this point?

Jim Minnick, Director; I'm not sure why we would continue it but yeah, your choice.

Chairman Schaffner; No matter what we vote on today it can be appealed by any side right?

Jim Minnick Director; Any side can appeal to the Board of Supervisors that's your decision today yes sir but that's assuming you're making an actual decision not continuing

Commissioner Cabanas; My opinion is I tend to agree that one meeting isn't enough. My personal view that at least one more meeting between the BLM and the tribe should take place and hope that they can come to some type of agreement. That's my opinion.

Commissioner Bergh; At least come to our next hearing and say this is what was presented. We object to this portion or agree to this portion. We're in the blind here there is no one here that went to the meeting there's no minutes of the meeting so we are kind of in the blind. I realize where the county is coming from, but this is not right.

Ina Hall, Again, I am the vice president of the Quechan Indian Tribe I do let you guys all know that there was one an official meeting that did happen and it is recorded. We are offering those recordings to you to listen. Now I know that they have named other dates but those were not official meetings they were not with the tribal council or with other extensions of the tribal council but they don't make governed decisions on behalf of the tribe such as the tribal council.

Commissioner Bergh; we understand that the previous meetings. It's just this last one on the 3rd we have no information on

Ina Hall, I would think that BLM would have to do the same on their part as well to be able to provide some of those things to you as we offered. We offered to bring those minutes of that meeting what transpired and there was an agreement to have more sessions so that our comments and concerns were addressed and listened too

Commissioner Cabanas; there's your answer you're going to continue talking.

Ina Hall, but here they're saying that they checked the box like everybody is saying that they shouldn't have. They're saying oh well we had it we are moving on. That's not the case, the case is that they haven't heard all the concerns we have. We were there for a limited time as well. They had other meetings to go so we we're not a priority we were just the box to check

Chairman Schaffner; Can we request that one of them shows up to these meetings?

Jim Minnick Director; I have requested that personally

Commissioner Bergh: Made a motion to continue Agenda Item #9 seconded by **Commissioner Kalin** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabañas (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes).

Jim Minnick, Director; Stated **Agenda Item #9** stands continued by this Commission.

4. **2. Consideration of an Amendments to the previously approved Conditional Use Permit #23-0002** as submitted by IID. The project includes converting four (4) test wells into water supply wells for irrigation of vegetation-based dust control. Construction activities associated with the completion of the test wells were permitted under separate approved construction permits for testing purposes only. The total amount of acre-feet of water per year is 63-acre feet for the four (4) wells. The proposed amendments include allowing for a 10-year term of the CUP with eligibility for 10-year extension and SelfInsurance. The proposed IID water well Project site comprises approximately 254 acres and is located at 2902 Crystal Lake Ave. Salton City. The NE¼ of the NE1/4 of the NW1/4 and the NE ¼ of the SE1/4 of Section 5, T10S R10 APN: 008-010-006-000. (Supervisorial District #4) [David Black, Project Planner at 442-265-1736, extension 46 or by email at davidblack@co.imperial.ca.us]

Jim Minnick, Director; Gave a brief description of the project, and introduced Rocio Yee, Planner I, to read the project into the record.

Rocio Yee, Planner I; Read the PowerPoint Presentation of the project into the record.

Chairman Schaffner; Asked if there was a representative for the project to approach the podium.

Victoria Quinn, Applicant; Introduced herself.

Chairman Schaffner; Asked if she had any questions or comments regarding the project, and if she read and agreed with everything.

Victoria Quinn, Applicant; Stated that they read and did agree with everything on the project.

Chairman Schaffner; Opened the public portion of the meeting

Tom Sefton; Resident of Brawley, I gave my address before. Current board president of Eco Media Compass of Salton City based nonprofit. We do not oppose converting these test wells that have been drilled into production wells. We would like to see vegetation get established. So far the main vegetation in this clubhouse area was naturally self-planted that's been growing naturally in the hay bales that have been placed in the ground that have been put against the existing iodine bush which the state and the IID expect to grow more of and we hope that they will. In fact, successfully that they will grow more opposed to the relative lack of success that we've seen from the last year. What we do object to is the fact that this project has gone forward with very little and really no consultation with the community. We've been active in the Salton City community for 11 years. The first time that I was aware that the state's Salton Sea management program and bureau of reclamation owning some of the land that already has some bales placed and IID owning the balance of the land. The first time I found about it was I happen to go to Johnson's landing as I occasionally do just to walk along the playa, I saw a crew out here putting hay bales, that was the first establishment of these bales. We would like the agencies involved in this project to consult with the community before putting these things out. I'll say again I don't object to converting the test wells that have been drilled to production wells that might move things forward. We would like to see the consultation with the community because the community just found these bales on the beach next to their homes by surprise more than a year ago. We believe that the local and state agencies should be communicating to the community about what to expect because residents have been taken by surprise and we've had a lot of complaints at meetings related to the Salton Sea program about hay bales showing up on the shore without any explanation why. Weve had quite a few complaints about allergic conditions caused by the blowing

straw. I don't have that problem myself but I've had complaints from quite a few people at public meetings about that so we would like to ask IID, the state's Salton Sea management program who are putting this project forward to consult with the community before making changes to the shore line right next to their house. Thank you.

Chairman Schaffner; he then closed the public portion of the meeting and turned it over to the Commission for any questions and/or comments.

Commissioner Kalin: Made a motion in favor of **Agenda Item #2** seconded by Commissioner Cabanas and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabañas (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes).

Jim Minnick, Director; Stated **Agenda Items #2** stands approved by this Commission. In which the applicant or any member from the public want to appeal must be done by filing the appropriate appeal in the next ten (10) days.

5. **3. Consideration of Lot Merger #00156** as submitted by Olga Saldivar and Keren Jael Saldivar, who is proposing a Lot Merger to combine two (2) lots. The Lot Merger would create a single 12,000 square foot lot. These parcels are further identified as Assessor's Parcel Numbers 001-331-008 and 001-331-009; legally described as LOT 36 and LOT 37 BLK 2B SALTON SEA BEACH ESTATES UNIT NO 3 FM 2 26, (219 Coachella Ave, Salton City, CA; Supervisorial District #4). [Evelia Jimenez, Planner II at (442) 265-1736, extension 1747 or via email at ejimenez@co.imperial.ca.us]

Jim Minnick, Director; Gave a brief description of the project, and introduced Evelia Jimenez, Planner II, to read the project into the record.

Evelia Jimenez, Planner II; Read the PowerPoint Presentation of the project into the record.

Chairman Schaffner; Asked if there was a representative for the project to approach the podium.

Keren Jael Saldivar Garza & Olga Lidia Saldivar Garza, Applicants; Introduced herself

Chairman Schaffner; Asked if they had any questions or comments regarding the project, and if they read and agreed with everything.

Keren Jael Saldivar Garza & Olga Lidia Saldivar Garza, Applicants; Stated that they read and did agree with everything on the project.

Keren Jael Saldivar Garza, Applicant; The only thing is on the address they put Salton City but it is Salton Sea Beach.

Chairman Schaffner; Opened the public portion of the meeting. There were no public comments; he then closed the public portion of the meeting and turned it over to the Commission for any questions and/or comments.

Commissioner Kalin: Made a motion in favor of **Agenda Item #3** seconded by Commissioner Cabanas and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabañas (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes).

6. **4. Consideration of Lot Line Adjustment #00332** as submitted by Lyons Road LLC, who is proposing a lot line adjustment to formally correct what has been shown as the lot line per Assessor's Parcel Maps to be corrected to the county ¼ section line of Parcel A and Parcel B. Parcel A with Assessor's Parcel Number 052-170-073-000 (1790 W. Hwy 98, El Centro, CA 92243; Supervisory District #2) is legally described as POR NW4 SEC 7 LY W OF WSTSD MAIN CANAL 17-13 EXC POR NW4 SEC 7.; Parcel B with Assessor's Parcel Number 052-170-043-000 (1790 W. Hwy 98, El Centro, CA 92243; Supervisory District #2) is legally described as LOTS 3 & 4 & E1/2 OF SW1/4 SEC 7 T17S R13E 161.29 AC.; [Luis Valenzuela, Planner I at (442) 265-1736, extension 1749 or via email at luisvalenzuela@co.imperial.ca.us]

Jim Minnick, Director; Gave a brief description of the project, and introduced Luis Valenzuela, Planner II, to read the project into the record.

Luis Valenzuela, Planner II; Read the PowerPoint Presentation of the project into the record.

Chairman Schaffner; Asked if there was a representative for the project to approach the podium.

Annette Leon, Representative; introduced herself.

Chairman Schaffner; Asked if she had any questions or comments regarding the project, and if she read and agreed with everything.

Annette Leon, Representative; Stated that she read and did agree with everything on the project.

Chairman Schaffner; Opened the public portion of the meeting. There were no public comments; he then closed the public portion of the meeting and turned it over to the Commission for any questions and/or comments.

Commissioner Kalin: Made a motion in favor of **Agenda Item #4** seconded by Commissioner Cabanas and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabañas (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes).

7. **5. Consideration of Conditional Use Permit #23-0028** as submitted by Entravision Communications Company for a new fifteen (15) year term Re-entitlement for Conditional Use Permit #01-0049 for an existing 375 foot above ground level "AGL" tower. The property is located at 99 E. Keystone Road, Brawley, CA 92227; also known as Assessor's Parcel Number 040-350-027-000 and legally described as Parcel 1, Parcel Map 2231 of East 160 acres of tract 69, Township 14 South, Range 14 East, S.B.B.M. in an unincorporated Area of the County of Imperial, State of California. (Supervisorial District #5) [Rocio Yee, Planner I at (442) 265-1736, extension 1750 or via email at rociyee@co.imperial.ca.us]

Jim Minnick, Director; Gave a brief description of the project, and introduced Rocio Yee, Planner I, to read the project into the record.

Rocio Yee, Planner I; Read the PowerPoint Presentation of the project into the record.

Chairman Schaffner; Asked if there was a representative for the project to approach the podium.

Albert Valdez, Applicant; introduced himself.

Chairman Schaffner; Asked if he had any questions or comments regarding the project, and if he read and agreed with everything.

Albert Valdez, Applicant; Stated that he read and did agree with everything on the project.

Chairman Schaffner; Opened the public portion of the meeting. There were no public comments; he then closed the public portion of the meeting and turned it over to the Commission for any questions and/or comments.

Commissioner Bergh; I have a question for him. Why did you allow the license to lapse so long? It was dead in December of 2017.

Albert Valdez, Applicant; That was an oversight on our counsel in house.

Commissioner Bergh; I used to manage a corporation in 11 western states licenses, contract licenses and everything else, insurance. I guess it must not have been too important.

Chairman Schaffner; Is that it? What's your pleasure?

Commissioner Kalin: Made a motion in favor of **Agenda Item #5** seconded by Commissioner Cabanas and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabañas (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes).

Jim Minnick, Director; Stated **Agenda Items #5** stands approved by this Commission. In which the applicant or any member from the public want to appeal must be done by filing the appropriate appeal in the next ten (10) days.

8. **6. Consideration of Conditional Use Permit #23-0013** as submitted by Phoenix 1 LLC., proposes the reworking of the Orita 2 and Orita 4 geothermal wells originally permitted under CUP G-09-0002 for the purpose of flow and resource testing for a proposed temporary 14-week period. The project consists of three (3) parcels legally described as TR 43 EXC S 100 FT THEREOF T13S R16E 289.54 AC S.B.B.M. (APN 039-080-004-000), POR PAR 1 LLA#281 ALSO BEING N3/4 E2 NE4 SEC 20 T13S R16E 60AC S.B.B.M (APN 039-080-005-000), and POR PAR 3 LLA#281 ALSO BEING S4 E2 NE4 & POR SE4 SEC 20 T13S R16E 82.50 AC S.B.B.M. (039-080-006-000) (2300 Farr Rd, Brawley, CA, and; Supervisorial District #4), [Derek Newland, Planner III at 442-265-1736 or by email at dereknewland@co.imperial.ca.us].

Jim Minnick, Director; Gave a brief description of the project, and introduced Derek Newland, Planner III, to read the project into the record.

Derek Newland, Planner III; Read the PowerPoint Presentation of the project into the record.

Chairman Schaffner; Asked if there was a representative for the project to approach the podium.

Arnold Wolf, Applicant; introduced himself.

Chairman Schaffner; Asked if he had any questions or comments regarding the project, and if he read and agreed with everything.

Arnold Wolf, Applicant; Stated that he read and did agree with everything on the project.

Chairman Schaffner; Opened the public portion of the meeting. There were no public comments; he then closed the public portion of the meeting and turned it over to the Commission for any questions and/or comments.

Commissioner Kalin: Made a motion in favor of **Agenda Item #6** seconded by Commissioner Cabanas and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabañas (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes).

Jim Minnick, Director; Stated Agenda Items #6 stands approved by this Commission. In which the applicant or any member from the public want to appeal must be done by filing the appropriate appeal in the next ten (10) days.

9. **7a. Consideration of Water Supply Assessment** as submitted by Tomcat Development LLC proposing a Water Supply Assessment as part of the Green Valley Logistics Center (Project), for development and operation for the proposed Green Valley Logistic Center. The proposed rail system and facilities will facilitate inbound and outbound trains of commodities as well as the transloading and warehousing of commodities to and from trucks. The Project would be within Section 31 of Township 14 South, Range 14 East, San Bernardino Base Meridian, and Assessor Parcel Numbers (APNs) 040-340-004, 040-340-006, 040-340-032, and 040-340-033 (Supervisorial District #3) David Black, Planner (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us

7b. Consideration of Initial Study #21-0032 submitted by Tomcat Development LLC as part of the Green Valley Logistics Center (Project). The proposed rail system and facilities will facilitate inbound and outbound trains of commodities as well as the transloading and warehousing of commodities to and from trucks. The Project would be located on approximately 285 gross acres within Imperial County (County), California, approximately 1.25 miles north of the City of Imperial. The Project would be west of the Union Pacific Railroad (UPRR), east of SR 86 (Imperial Avenue), north of Harris Road, and south of Newside Drain Number 1 A, entirely within the Mesquite Lake Specific Plan and on land owned by Tomcat Development LLC. The Project would be within Section 31 of Township 14 South, Range 14 East, San Bernardino Base Meridian, and Assessor Parcel Numbers (APNs) 040-340-004, 040-340-006, 040-340-032, and 040-340-

033 (Supervisory District #3) David Black, Planner (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us

7c. Consideration of the proposed update to Mesquite Lake Specific Plan Amendment #21-0001 as submitted by Tomcat Development LLC as part of the Green Valley Logistics Center (Project), proposing development and operation for the proposed rail system and facilities will facilitate inbound and outbound trains of commodities as well as the transloading and warehousing of commodities to and from trucks. The Project would be within Section 31 of Township 14 South, Range 14 East, San Bernardino Base Meridian, and Assessor Parcel Numbers (APNs) 040-340-004, 040-340-006, 040-340-032, and 040-340-033 (Supervisory District #3) David Black, Planner (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us

7d. Consideration of Zone Change #21-0005 as submitted by Tomcat Development LLC as part of the Green Valley Logistics Center (Project), proposing development and operation for the proposed Green Valley Logistic Center, the proposed rail system and facilities will facilitate inbound and outbound trains of commodities as well as the transloading of commodities to and from trucks. Currents zones will be updated to include only the ML-GS and ML-I-3-RE zones (Heavy Industrial zone and G/S Government/Special Public zone). The Project would be within Section 31 of Township 14 South, Range 14 East, San Bernardino Base Meridian, and Assessor Parcel Numbers (APNs) 040-340-004, 040-340-006, 040-340-032, and 040-340-033 (Supervisory District #3) David Black, Planner (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us

7e. Consideration of Tract Map #00993 as submitted by Tomcat Development, LLC as part of the Green Valley Logistics Center (Project), proposing development and operation for the proposed rail system and facilities that will facilitate inbound and outbound trains of commodities as well as the transloading and warehousing of commodities to and from trucks. The proposed Tract Map #00993 will include up to 23 lots for this development. The Project would be within Section 31 of Township 14 South, Range 14 East, San Bernardino Base Meridian, and Assessor Parcel Numbers (APNs) 040-340-004, 040-340-006, 040-340-032, and 040-340-033 (Supervisory District #3) David Black, Planner (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us

7f. Consideration of Variance #23-0007 as submitted by Tomcat Development, LLC as part of the Green Valley Logistics Center (Project), proposing development and operation for the proposed rail system and facilities will facilitate inbound and outbound trains of commodities as well as the transloading and warehousing of commodities to and from trucks. The proposed Variance will allow for a 180-foot grain elevator. The Project would be within Section 31 of Township 14 South, Range 14 East, San Bernardino Base Meridian, and Assessor Parcel Numbers (APNs) 040-340-004, 040-340-006, 040-340-032, and 040-340-033 (Supervisory District #3) David Black, Planner (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us

Jim Minnick, Director; Gave a brief description of the project, and introduced Evelia Jimenez, Planner II, to read the project into the record.

Evelia Jimenez, Planner II; Read the PowerPoint Presentation of the project into the record.

Chairman Schaffner; Asked if there was a representative for the project to approach the podium.

Derek Dessert, Representative; introduced himself.

Chairman Schaffner; Asked if he had any questions or comments regarding the project, and if he read and agreed with everything.

Derek Dessert, Representative; Stated that he read and did agree with everything on the project.

Chairman Schaffner; Opened the public portion of the meeting. There were no public comments; he then closed the public portion of the meeting and turned it over to the Commission for any questions and/or comments.

Commissioner Kalin: Made a motion in favor of **Agenda Item #7a** seconded by Commissioner Cabanas and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabañas (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes).

Commissioner Kalin: Made a motion in favor of **Agenda Item #7b** seconded by Commissioner Cabanas and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabañas (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes).

Commissioner Kalin: Made a motion in favor of **Agenda Item #7c** seconded by Commissioner Cabanas and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabañas (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes).

Commissioner Kalin: Made a motion in favor of **Agenda Item #7d** seconded by Commissioner Bergh and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabañas (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes).

Commissioner Kalin: Made a motion in favor of **Agenda Item #7e** seconded by Commissioner Bergh and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabañas (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes).

Commissioner Kalin: Made a motion in favor of **Agenda Item #7f** seconded by Commissioner Bergh and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabañas (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes).

Jim Minnick, Director; Stated Agenda Items #7a-f stands approved by this Commission. In which the applicant or any member from the public want to appeal must be done by filing the appropriate appeal in the next ten (10) days.

IV. Public Comments, NONE

V. Planning Commissioner Comments,

VI. Director Comments,

Chairman Schaffner; adjourned meeting.

IX. Adjournment: Meeting adjourned at 12:15 p.m.



Submitted by Rudy Schaffner
Chairman of the Planning Commission

Attest:



Jim Minnick, Director of
Imperial County Planning Commission

Rosa Soto & Aimee Trujillo-PC Recording Clerks

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