



August 17, 2021

Mr. David Black
Imperial County Planning and Development Services Department
801 Main Street
El Centro, CA 92243

Copy sent via email: davidblack@co.imperial.ca.us

Governor's Office of Planning & Research

August 17 2021

SUBJECT: **DRAFT ENVIRONMENTAL IMPACT STATEMENT
ENERGY SOURCE MINERAL ATLAS PROJECT
IMPERIAL COUNTY, CALIFORNIA
STATE CLEARINGHOUSE NO. 2021050223**

STATE CLEARINGHOUSE

Dear Mr. Black:

The State Mining and Geology Board (Board) is in receipt of the Draft Environmental Impact Statement (DEIR), dated June 2021, for the proposed Energy Source Mineral ATLAS Project (Project) in Calipatria, California.

As you know, this Board establishes and maintains the State's surface mining and reclamation policy and represents its interest in the development, utilization, and conservation of California surface mined mineral resources and the reclamation of those mined lands.

The Imperial County Planning and Development Services Department (County) is the lead agency under the California Environmental Quality Act (CEQA) for this Project. Your notice calls for written comments regarding the DEIR no later than close of business on August 17, 2021. The Board appreciates this opportunity to provide the following comments on the DEIR.

According to the DEIR, the proponent plans to construct and operate a plant to "extract lithium, manganese, zinc, and other commercially viable substances from geothermal brine and process the extracted substances to produce commercial quantities of lithium and, to the extent possible, manganese and zinc" on three parcels.

The Project is located adjacent to the Hudson Ranch No. 1 geothermal power plant. The Board understands that the California Energy commission regulates the power generation facilities and that the California Geologic Energy Management Division regulates the geothermal wells at the Hudson Ranch No. 1 geothermal power plant.

The DEIR indicates that the intent of this Project is to extract minerals from geothermally produced brines, that the proposed mineral extraction facilities would occupy more than an acre of land, and that the proposed amount of produced minerals would appear to qualify this project as a surface mining operation under the Surface Mining and Reclamation Act of 1975 (SMARA) and under Imperial County's Ordinance, Title 9, Division 20 – Surface Mining and Reclamation (local mining ordinance).

DEIR section 1.2.1 identified twelve environmental topics with potentially significant impacts requiring assessment during the scoping process. Why was SMARA not considered in the "Regulatory Setting" in sections 4.2.2, 4.5.2, 4.7.2, 4.8.2, and 4.12.2?

DEIR section 2.4.3 discusses the applicant preparing a Site Abandonment Plan for Planning commission approval at some time in the future. This proposed mineral extraction operation would be subject to market demand. Wouldn't the public be subject to financial and environmental risk associated with the potential insolvency of the mining operator in the form of abandoned mineral extraction facilities and mining waste left onsite? Why was a SMARA reclamation plan and financial assurance not considered appropriate for the project in the DEIR?

DEIR section 2.6.2 identifies reviewing agencies. Why was the California Department of Conservation not listed as a potential reviewing agency?

DEIR section 2.6 and 2.6.1 identifies the required permits and approvals for the project. Will a reclamation plan and financial assurances be required for the proposed project consistent with SMARA and the local mining ordinance?

DEIR section 4.8 discusses the impacts to hydrology and water quality. Although, the intent of existing well field is to develop geothermal resources, by contemporaneously extracting minerals from the produced brine, would you consider the groundwater underneath the project site to also constitute mined lands under SMARA?

DEIR section 6.1.9 indicates that there would be no impact to mineral resources. The purpose of the project is to extract minerals in commercial quantities, thus depleting the mineral resource as a result of this operation. Why were mineral resources not identified as an environmental topic with a potentially significant impact?

DEIR section 8.2 identifies the persons and organizations contacted in preparation of the document. Why was the California Department of Conservation or the State Mining and Geology Board not contacted during the preparation of the DEIR considering the intent of the project is mineral extraction?

The Board requests to be included on the document distribution list for this Project. Additionally, the Board requests that any subsequent project documents (e.g., hearing notices and any supplemental environmental documents), as well as a copy of the final Environmental Impact Report be emailed to the Board at smgb@conservation.ca.gov.

If you have any questions, please contact me at (916) 322-1082.

Sincerely,



Jeffrey Schmidt
Executive Officer

cc: State Clearinghouse, state.clearinghouse@opr.ca.gov

Department of Conservation, Office of Legislative and Regulatory Affairs,
OLRA@conservation.ca.gov