

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

The Imperial County Planning Commission convened a Meeting on Wednesday, September 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 I, Luis Valenzuela, Planner II Gerardo Quero, Planner II Derek Newland, Clerks- Laryssa Alvarado & John Robb.

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 **August 23, 2023** meeting as submitted by staff; **Commissioner Kalin** made motion to approve minutes seconded by **Commissioner Bergh** 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.

Chairman Schaffner: Alright, we're going to move the agenda around a little bit. We've got a big pile of people who are going to be speaking on agenda item #3. So we are going to do #2, jump to #4 get rid of some of the smaller ones and bring #3 in at the end. We'll call your name when it's time to come up for that item. You'll all have 3 minutes to speak.

Jim Minnick, Director: Before we do that, a little housekeeping there is another hearing coming up today with the Board of Supervisors. It starts at 10:30. So we have a hard out before that.

2. Consideration of Conditional Use Permit CUP #23-0023 as submitted by Duggins Construction Inc. The applicant is proposing a temporary construction office and construction material yard on both parcels APN: 063-270-053 and 063-270-054 at 341 W. Crown Court, Imperial, CA 92251 for the construction project located across the street. The legal description for these parcels are "PAR 1 PM2461 ALSO BEING POR E2 OF BLK 64 IMPERIAL SUB 1 15-13/14 and PAR 2 PM2461 ALSO BEING POR E2 OF BLK 64 IMPERIAL SUB 1 15-13/14", in unincorporated Imperial Urban area of the County of Imperial. State of California. (Supervisory District #3) [Luis Valenzuela, Planner I at 442-265-1736, extension 1749 or by email at luisvalenzuela@co.imperial.ca.us].

Commissioner Roben: Before you do that, I have declared a conflict and need to step out.

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

Luis Valenzuela, 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.

Oscar Grijalva, Representative; Introduced himself.

Oscar Grijalva, Representative; The project is a temporary construction site, for our temporary construction material site storage. So, the site where we are actually building is across the street but because of all the restraints we have between the IID waterline and the offset improvements. We're improving 12th street also. The construction itself got a little bit tight for us to be able to maintain all of our materials and our construction trailer and things like that. The only thing that's going to be long term on this site is the construction trailer which is our office. All the other materials are just materials we order. Hopefully, as soon as they come in, we basically start putting them on the building. We don't plan to have any long-term storage of materials on site other than just fluctuating. I'm here to answer any questions the commission might have. Thank you.

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

Oscar Grijalva, Representative; Stated that they read and agreed with everything and had no further questions.

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 project 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 Item #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.

- 4a. Consideration of **Water Supply Assessment (WSA)** as submitted by True North Renewable Energy, LLC proposing a Water Supply Assessment as part of the True North Organics Renewable Energy Facility (Project), for the construction and operation of a High Solids Anaerobic Digestion (HSAD) facility with composting of organic food and green material. Renewable energy generated through the HSAD process would be in the form of renewable natural gas. The project is located at 194 E Harris Road, Brawley, CA, 92227, on APNs 040-360-036, 037, 038 and 039-000, legally described as Parcels 1, 2, 3 and 4 as shown on Parcel Map No. 02372, in the County of Imperial, State of California, recorded April 17, 2007 in Book 12 of Parcel Maps at Page 99 of said County. (Supervisorial District #5) Diana Robinson, Planning Division Manager (442) 265-1736, extension 1751 or by email at dianarobinson@co.imperial.ca.us
- 4b. Consideration of **Specific Plan Amendment #21-0002** as submitted by True North Renewable Energy, LLC as part of the True North Organics Renewable Energy Facility (Project), proposing a High Solids Anaerobic Digestion (HSAD) facility with composting of organic food and green material. Renewable energy generated through the HSAD process would be in the form of renewable natural gas. The applicant is seeking an amendment to the Mesquite Lake Specific Plan to alter the land use designation from Medium Industrial to Heavy Industrial to allow for the Anaerobic Digester, as well as a text amendment to further clarify the anaerobic and composting processes. The project is located at 194 E Harris Road, Brawley, CA, 92227, on APNs 040-360-036, 037, 038 and 039-000, legally described as Parcels 1, 2, 3 and 4 as shown on Parcel Map No. 02372, in the County of Imperial, State of California, recorded April 17, 2007 in Book 12 of Parcel Maps at Page 99 of said County. (Supervisorial District #5) Diana Robinson, Planning Division Manager (442) 265-1736, extension 1751 or by email at dianarobinson@co.imperial.ca.us
- 4c. Consideration of **Zone Change #21-0007** as submitted by True North Renewable Energy, LLC as part of the True North Organics Renewable Energy Facility (Project), proposing a High Solids Anaerobic Digestion (HSAD) facility with composting of organic food and green material. Renewable

energy generated through the HSAD process would be in the form of renewable natural gas. The applicant proposes to change the zone of three parcels (APNs 040-360-037, -038 and -039-000) from ML-I-2-RE to ML-I-3-RE to accommodate the proposed Project's activities under a proposed Conditional Use Permit (CUP). The project is located at 194 E Harris Road, Brawley, CA, 92227, on APNs 040-360-036, 037, 038 and 039-000, legally described as Parcels 1, 2, 3 and 4 as shown on Parcel Map No. 02372, in the County of Imperial, State of California, recorded April 17, 2007 in Book 12 of Parcel Maps at Page 99 of said County. (Supervisorial District #5) Diana Robinson, Planning Division Manager (442) 265-1736, extension 1751 or by email at dianarobinson@co.imperial.ca.us

- 4d. Consideration of **Conditional Use Permit #21-0019** as submitted by True North Renewable Energy, LLC as part of the True North Organics Renewable Energy Facility (Project), proposing a High Solids Anaerobic Digestion (HSAD) facility with composting of organic food and green material. Renewable energy generated through the HSAD process would be in the form of renewable natural gas. The proposed use is subject to a Conditional Use Permit (CUP). The project is located at 194 E Harris Road, Brawley, CA, 92227, on APNs 040-360-036, 037, 038 and 039-000, legally described as Parcels 1, 2, 3 and 4 as shown on Parcel Map No. 02372, in the County of Imperial, State of California, recorded April 17, 2007 in Book 12 of Parcel Maps at Page 99 of said County. (Supervisorial District #5) Diana Robinson, Planning Division Manager (442) 265-1736, extension 1751 or by email at dianarobinson@co.imperial.ca.us
- 4e. Consideration of **Lot Merger #00150** as submitted by True North Renewable Energy, LLC as part of the True North Organics Renewable Energy Facility (Project), proposing a High Solids Anaerobic Digestion (HSAD) facility with composting of organic food and green material. Renewable energy generated through the HSAD process would be in the form of renewable natural gas. The project consists of four parcels, three of which are proposed to be merged to meet the Project's acreage requirements. The project is located at 194 E Harris Road, Brawley, CA, 92227, on APNs 040-360-036, 037, 038 and 039-000, legally described as Parcels 1, 2, 3 and 4 as shown on Parcel Map No. 02372, in the County of Imperial, State of California, recorded April 17, 2007 in Book 12 of Parcel Maps at Page 99 of said County. (Supervisorial District #5) Diana Robinson, Planning Division Manager (442) 265-1736, extension 1751 or by email at dianarobinson@co.imperial.ca.us
- 4f. Consideration of **Variance #21-0003** as submitted by True North Renewable Energy, LLC as part of the True North Organics Renewable Energy Facility (Project), proposing a High Solids Anaerobic Digestion (HSAD) facility with composting of organic food and green material. Renewable energy generated through the HSAD process would be in the form of renewable natural gas. The applicant is proposing a Variance to accommodate the height of a digester necessary for the Project's activity. The project is located at 194 E Harris Road, Brawley, CA, 92227, on APNs 040-360-036, 037, 038 and 039-000, legally described as Parcels 1, 2, 3 and 4 as shown on Parcel Map No. 02372, in the County of Imperial, State of California, recorded April 17, 2007 in Book 12 of Parcel Maps at Page 99 of said County. (Supervisorial District #5) Diana Robinson, Planning Division Manager (442) 265-1736, extension 1751 or by email at dianarobinson@co.imperial.ca.us

Jim Minnick, Director; Gave a brief description of the project, and introduced **Diana Robinson, Planning Division Manager**, to read the project into the record.

Diana Robinson, Planning Division Manager; Read the PowerPoint Presentation of the project into the record.

Diana Robinson, Planning Division Manager: We have the applicant here and the consultant is through Zoom available if you have any questions.

Tom Dubois, representative: Do you want to have the environmental consultant make any comments first?

Diana Robinson, Planning Division Manager: No. Are we going to do the presentation? The other one?

Chairman Schaffner: Are you going to present it or the consultant?

Tom Dubois, representative: this is not the one that we suggested that we had available if there were any questions.

Diana Robinson, Planning Division Manager: So we can proceed?

Tom Dubois, representative: yes, I would.

Diana Planning Division Manager: John can you go back to ours? My apologies

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

Tom Dubois, Representative; Introduced himself.

Tom Dubois, Representative: With me here today is our client Jim Phillips representing True North Renewable Energy. This is what we waited for a very long time in the Mesquite Lake Specific Plan to have these heavy industrial projects that would come to this area. We're seeing now quite a few. This is going to be one of the earlier ones that are coming through for your review and approval. This is a project that would take what is now required by the state of California, industrial and residential green waste and food waste. Take that product and produce a renewable natural gas. There is a lot of it that is used here in Imperial County especially with our peakers at the IID. That's got to convert over from the existing what we use today as natural gas to a renewable. Also, an agricultural component of developing organic compost for agriculture. We did have a presentation and we're happy to share that but also sensitive to your schedule and deadlines this morning. So, we are happy to do this or we are happy to pass or we can send this to you. It is whatever you'd like to do. Otherwise, unless you have questions, we really have nothing more to add or offer than respond to what you'd like us to do in regards to more information about True North or responding to any questions you might have about the project.

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

Tom Dubois, Representative; Stated that he read and agreed with the project report.

Tom Dubois, representative: Including the handout that just came from Public Works. We have talked about that so we're okay with that.

Chairman Schaffner: Turned it over to the Commission for any questions and/or comments.

Commissioner Kalin: Can you explain what are high solids anaerobic? What's that mean Tom?

Tom Dubois, representative: Jim you want to do that? Jim Phillips from True North I'm going to let him answer.

Jim Phillips, applicant: So, there's two different types of anaerobic digestions technologies. There's a low solid and a high solid. A low solid is what you see in your water treatment plants where you're treating sewage and biosolids. There's usually a high-water content in that material. What a high solids anaerobic digestion is high solid content with very little water. So, it can process your green waste, anything that comes from landscaping debris, and then any type of food waste. Those are all high solids with very little water content. It takes that it breaks it down and turns it into renewable natural gas.

Commissioner Kalin: Okay. Another question, how many truckloads do you think are going to be imported into Imperial County?

Jim Phillips, applicant: So, there's a need within Imperial County to process green and food waste that's existing within the county. So, it's hard to identify exactly how much that is but approximately the facility is going to process 330,000 tons per year. There's about 26 tons per truckload. So, I would estimate within the County there's probably a need to process somewhere between 30 and 50,000 tons per year material. It could be more. It's just off the top of my head.

Commissioner Kalin: So the material would be coming from outside the County?

Jim Phillips, applicant: Yeah, outside the county but from California

Commissioner Kalin: Okay would you anticipate much coming from San Diego County?

Jim Phillips, applicant: yes, so San Diego County, there would be some material coming from San Diego. There would be some material coming from Riverside, some material coming from the Palm Springs Palm desert area.

Commissioner Kalin: So, in San Diego I know right now, everybody's got a green waste that is shrubs kind of clippings and also garbage, food waste.

Jim Phillips, applicant: It's a small percentage.

Commissioner Kalin: Can you explain how it makes sense to put that little bit of food waste in a truck and drive it all the way to Imperial County?

Jim Phillips: Sure

Commissioner Kalin: that doesn't seem to make a lot of sense to me.

Jim Phillips: it doesn't make a lot of sense to a lot of people right now but the plan is it's 2-3% of what's in the waste stream. So out of your large green waste container, 2-3% is food waste. There's approximately 30-40% food waste in the waste stream overall.

Commissioner Kalin: how much?

Jim Phillips, applicant: 30-40%. So right now they're just diverting 2-3%. The goal is at the plan maturity you probably see between 8-15% food waste being diverted. That's from the residential side. And then anything that's manufactured for example there's some manufacturers of food products here in the Valley. They need to manufacture 100% of everything they discard. So, all of that material would be coming to a facility like this. Bimbo bakery for example they produce hundreds of thousands of tons of bread, there's a lot of that bread that needs to be recycled. So that can go into a high solid anaerobic digester.

Commissioner Kalin: Generally, that's called bakery waste. That goes to feed yards.

Jim Phillips: it does go to some feed yards but some of it actually goes to a facility like ours depending on if it's spoiled or there's a variety of things that impact. It's not consumable for some reason then it would have to go to a facility like ours.

Commissioner Kalin: Sure. And is there a tipping fee or anything here?

Jim Phillips: yes, there's a tipping fee its approximately \$70-80 per ton. So there's revenue being generated.

Commissioner Kalin: Okay that works

Jim Phillips: There is also a lot of property tax revenue generating for the county. There's 25 high paying jobs that would reside within the county that are green jobs. And then you have all those ancillary feeder jobs that they call truck drivers, the gentlemen or ladies that would be putting out compost so anyone that's distributing compost within the agricultural market, those are additional jobs that we would create.

Commissioner Kalin: Now the compost won't be able to be certified as organic, will it? Because we don't really know what's going into this whole thing.

Jim Phillips: That's a difficult question. Depending on the kind of feedstock we decide to bring in we may be able to certify it as organic. Either way it'll be a high-quality compost. It would be of a higher quality than what you are currently getting from just a windrow compost operation because we have an extensive sorting operation in front. We sort out all the plastics and all the things that contaminate compost on the back end. You're average compost facility they don't have the ability to do the kind of sorting that we have. Our sorting is automated we have multiple lines so by the time the compost is finished, farmers will look at it as a high quality compost. But it can be organic depending on the feedstock we get.

Commissioner Kalin: Okay thank you.

Commissioner Cabanas: I have a question. After you process this all in, what kind of waste are you guys going to generate out of your facility?

Jim Phillips: So, when we do the sorting of the material that comes in, majority of that material would be recyclable so plastic, glass, paper products, metal. What we do as we sort that material out, we sore separate it and all that material gets recycled. The percentage of waste afterwards is a very small percentage and then that would be taken to a local landfill. So it could be 2-3%

Commissioner Cabanas: But what I'm talking about is your process itself after you go to through the solid digestive and everything, eventually the facility will have some waste correct?

Jim Phillips: That waste that you're referring to is called digestate. So as you go through that anaerobic digestive process, you have this cakey material that's left over. That is very rich and organic and that goes to the compost process. That's why we have the compost process in the back end. Other facilities that do high solids anaerobic digestion they don't compost on the back end. All that digestate that you're referring to is turning into that high quality compost.

Commissioner Cabanas: so, let me see if I am clear, you're telling me right now that other than what you're going through like plastics or whatever your facility will generate zero waste to go outside your facility to another disposal facility?

Jim Phillips: The waste that we would generate is on the front end. So, if there's contaminants that come into the facility for example from residential collection, we sort out the recyclables. And there's going to be a small 2-3% of that material that's left over that would be considered garbage but that's on the front end of the facility. On the backend facility, there is zero waste.

Commissioner Cabanas: Okay thank you.

Chairman Schaffner: I have a question. Are you concerned that California isn't wanting us to use gas anymore?

Jim Phillips: its funny you ask that I just went through a RFP process with SoCal gas & PG&E and we were just selected as a short list finalist. There's a piece of legislation called SB1440 which mandates that all the utilities buy a large percentage of their gas as a renewable natural gas. I am not concerned about that. There is some talk about not using renewable natural gas in other industries within California but in terms of the overall usage of gas there's already legislation in place that these utilities can't even begin to meet those goals. So, they all are interested in purchasing our gas from the facility.

Chairman Schaffner: Okay my other question is would you be bringing in any sludge from San Diego to compost here?

Jim Phillips: No, we are not doing any sludge. Its purely green waste landscape material and that small amount of food waste that's in the residential waste stream. But we are not taking any sludge, were not taking any biohazards or any of that type of material. It's jus green and food waste.

Chairman Schaffner: You and I will be friends then.

Jim Phillips: Yes absolutely.

Commissioner Bergh: What's your percentage of ratio of what you're taking in converting to gas? Can you estimate that?

Jim Phillips: Several hundred thousand of MMBTU per year. I'd have to look at my notes to tell you that. Do you have that presentation? I have the calculations on that. We're producing 500,000 MMBTU's per year and 120,000 tons per year of compost. That's the equivalent of pulling 17,000 vehicles a year off the road. The benefit of that production of renewable natural gas is equivalent of taking 17,000 vehicles off the road as far as the environmental benefit.

Commissioner Bergh: And do you have any kind of commitments of who is going to purchase this natural gas?

Jim Phillips: We are short listed with PG&E and SoCal Gas right now. They want to purchase as much of the gas as they can. But a lot of the waste haulers we're working with like republic services, waste management, CR&R who is a local waste hauler, they're all very interested in buying back that renewable gas to use both in their trucks and also to provide back to all the municipalities that they service. So even though farmers have a huge demand for compost, most cities don't have a demand to use compost. Most cities want to use the renewable natural gas and so to meet the SB1383 precordium requirements from the State of California the cities would prefer to buy back the gas as opposed to the compost. That's one of the main drivers for our facility is that most cities would prefer to buy back renewable natural gas to use within their cities as opposed to buying back compost in general.

Commissioner Kain: Or if you had the composting facility in San Diego, then you'd have to haul the compost down here anyways

Jim Phillips: Yeah exactly that's why we located it here in Imperial just because there's a natural demand for the compost.

Commissioner Pacheco: In the process of all this going on, is there any emissions that are going out into the atmosphere that might be hazardous to the public?

Jim Phillips: No, it is a very clean facility. Theres extensive conditioning equipment that filters any kind of air. And even if you think about the material that we are producing we're just taking green waste and food waste and breaking it down through microbes. So, the gas that's being released is being captured through the renewable natural gas that's going directly to the pipeline. Then anything else is very minor there's been many studies showing that taking food waste and green waste and processing it with high solids AD and compost on the back end produces the least amount of methane & emissions of any process that you can do. I've been in the waste industry for 33 years and my background is in waste & recycling and just your average composting where you see those windrow dirt composting, those release a lot of methane. Those cause a lot of pollution in the air. Our facility is state of the art its going to reduce the least amount of any process you can do. That's one of our company s mandates that will do things that benefit the environment as opposed to harming the environment. It is a very minimal amount of emissions.

Commissioner Cabanas: Your anaerobic digestion system will be open or it will be inside?

Jim Phillips: its closed it is fully enclosed. All our sorting is enclosed, our anaerobic digestion is fully enclosed. There's no moving parts within the digestor believe it or not, its just the way its designed. Its gravity fed digestor. Theres no maintenance required. You don't have to open it up you just feed it. It breaks down the material and produces that gas.

Commissioner Medina: The issue with the Planning with the director of Public Works, has all of this been taken care of? The road, drainage and grade plan?

Jim Minnick, Director: Yes, it's very standard conditions

Commissioner Medina: So, it is not anything major?

Jim Minnick, Director: No

Chairman Schaffner; Opened the public portion of the meeting.

Hector Meza, Good morning, Commissioners my name is Hector Meza. I'm a business agent for IBW 569. This facility will be a great opportunity for our local apprentices to build a facility of this kind. IBW 569 supports this project. Thank you.

Arturo Esparza, I manage the feed yard west of the projected site. I have a concern about how you are going to store all those green and human waste materials. Is it going to be open air or is it going to be in a warehouse?

Jim Phillips, Just to clarify there is no human waste materials. This is just green waste and food waste.

Arturo Esparza, Is it gonna be open air or closed?

Jim Phillips, It's fully enclosed. I have it in our presentation here I'm happy to show you. This is the way the facility layout is. This is the facility layout here. This is where the material comes in and this is fully enclosed and then there's air seals behind each one of the doors. So as the material comes in that's sealed off so there is no odor that comes out. This is where all the sorting is. This is the anaerobic digestion also fully enclosed. It goes through this process and then this is the finished compost in the back end. So that's already finished but all the material is fully enclosed.

Arturo Esparza: This compost in your experience or other facilities have attracted birds like seagulls?

Jim Phillips: No because all the food waste is now broken down so this is the same quality as what you would take and use in agriculture at that point. These facilities same design like in Europe in Italy next to vineyards and next to other very high quality agriculture and this material just gets moved off in that agricultural environment.

Arturo Esparza: As a compost I understand it would break down into nutrients like nitrogen

Jim Phillips: It's covered.

Arturo Esparza: The wind is not going to blow that out?

Jim Phillips: No this is called a covered aerated static pile. So there's air that goes underneath just like your old windrow composting takes weeks to break down. When you force air underneath it takes just a few days and its covered, that material is not released into the air. What you're seeing here is once its finished. As its going through that compost period its covered and doesn't create any odor and issues.

Arturo Esparza: You mentioned that you basically have no emissions or very little emissions, but you know some chemicals when they combine with water, they become something else, even in the small amounts could accumulate in fish tissue. This fish is for human consumption. I just wonder if that could be an issue.

Jim Phillips: No there's no chemicals used in this process that would cause that to happen. What we're producing here on the back end is for planting and agriculture so we can't put anything in there that would be of harmful to consumers.

Arturo Esparza, Just for example one company offers once to use fumes or smog gathered from compound that comes from grapes and that supposedly can have an affect to scare away the birds to land in our facility but we find out that those gases once combined with water become a harmful chemical that can accumulate in fish tissue and is not allowed in the state to use it.

Jim Phillips, I can assure you that this facility will not produce anything that will be harmful to the fish at all.

Chairman Schaffner, Time's up thank you

Chairman Schaffner; 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 item 4a seconded by **Commissioner Cabanas** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Roben (yes), Cabañas (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes).

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

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

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

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

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

- 5a. Consideration of Water Supply Assessment and Findings (WSA)** as submitted by Polaris Industries Inc. proposing a water supply assessment for the amendment to an existing water well for construction and operations for the proposed Glamis Specific Plan projects. This Water Supply Assessment has determined that adequate supply is currently available during normal water years. The foreseeable planned demands for the sources of water for the Project is noted in this Water Supply Assessment. The proposed Project site is located on parcels (APNs- 039-310-017, 039-310-022, 039-310-027, 039-310-023, 039-310-029, 039-310-026, and 039-310-030). The projects are located approx. 27 miles east of the City of Brawley along SR 78 (Supervisor District #5). David Black, Planner IV (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us
- 5b. Consideration of Final Environmental Impact Report (FEIR) SCH #2020100348** and Findings as submitted by Polaris Industries Inc. for the environmental review of the proposed Glamis Specific Plan including the proposed WSA, GPA, ZC Specific Plan and Conditional Use Permit. The GSP provides a planning framework, which accommodates recreation-supporting land uses including retail and service commercial; hotel accommodations; recreational vehicles; RV parks and fuel stations and Special Events. The proposed Project site is located on parcels (APNs- 039-310-017, 039-310-022, 039-310-027, 039-310-023, 039-310-029, 039-310-026, and 039-310-030). The projects are located approx. 27 miles east of the City of Brawley along SR 78 (Supervisor District #5) David Black, Planner IV (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us
- 5c. Consideration of the Monitoring and Reporting Program (MM&RP)** for the Glamis Specific Plan project and mitigations for the FEIR. A mitigation monitoring and reporting program for mitigation measures that have been incorporated into or imposed upon 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 proposed Project site is located on parcels (APNs- 039-310-017, 039-310-022, 039-310-027, 039-310-023,039-310-029,

039-310-026, and 039-310-030). The projects are located approx. 27 miles east of the City of Brawley along SR 78 (Supervisor District #5). David Black, Planner IV (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us

- 5d. Consideration of the Glamis Specific Plan (SP) #19-0001**, for the proposed Glamis Specific Plan SP #19-001 project. The Glamis Specific Plan approval to provide a planning framework, which accommodates recreation-supporting land use including retail and service commercial; hotel accommodations; recreational vehicles; RV parks and fuel stations and Special Events. The proposed Project site is located on parcels (APNs- 039-310-017, 039-310-022, 039-310-027, 039-310-023, 039-310-029, 039-310-026, and 039-310-030). The Glamis SP is located approx. 27 miles east of the City of Brawley along SR 78 (Supervisor District #5). David Black, Planner IV (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us
- 5e. Consideration of the General Plan Amendment (GPA) #20-0001** for the proposed Glamis Specific Plan project. The General Plan Amendment to allow for the Gateway SP to provide a planning framework, which accommodates recreation supporting land uses including retail and service commercial; hotel accommodations; recreational vehicles; RV parks and fuel stations and Special Events. The proposed Project site is located on parcels (APNs- 039-310-017, 039-310-022, 039-310-027, 039-310-023, 039-310-029, 039-310-026, and 039-310-030). The projects are located approx. 27 miles east of the City of Brawley along SR 78 (Supervisor District #5). David Black, Planner IV (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us
- 5f. Consideration of the Zone Change (ZC) #19-0006** which would change the zoning within the Glamis SPA Planning Area from C-2 (Medium Commercial) and S-2 (Open Space/Preservation) to CR-1, CR-2, and CR-3 (Commercial Recreation) and S-1 (Open Space/Recreation). The proposed Project site is located on parcels (APNs- 039-310-017, 039-310-022, 039-310-027, 039-310-023, 039-310-029, 039-310-026, and 039-310-030). The projects are located approx. 27 miles east of the City of Brawley along SR 78 (Supervisor District #5). David Black, Planner IV (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us
- 5g. Consideration of Conditional Use Permit (CUP) #19-0027**, super-seeding of existing CUP # 13-0060 to allow for a 25 acre feet per year water allowance for the Glamis Specific Plan operations. The proposed Project site is located on parcels (APNs- 039-310-017, 039-310-022, 039-310-027, 039-310-023, 039-310-029, 039-310-026, and 039-310-030). The projects are located approx. 27 miles east of the City of Brawley along SR 78 (Supervisor District #5). 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 **David McIntyre**, project consultant, to read the project into the record.

David McIntyre, Project 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.

Jurg Heuberger, representative: introduced himself.

Stephanie Schwalenberg, Polaris Vice President: introduced herself.

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

Stephanie Schwalenberg, Polaris Vice President; Stated that they read and agreed with everything and had no further questions.

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.

Rosa Lopez, CEO's office: This is more directed towards planning staff, but it's been a while since we provided the comments for this particular project. The item under the CUP I don't see any and we'd like to request sales tax condition language unless I'm corrected.

Jim Minnick, Director: The CUP is just an expansion of the existing water well. There would be no increase in sales tax.

Rosa Lopez, CEO's office: Including for the entire buildout?

Jim Minnick, Director: The entire buildout is through the Specific Plan. So, any CUP that would be generated from the Specific Plan could add that but the CUP that you asked of right now is an expansion of the existing water well.

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 item 5a seconded by **Commissioner Bergh** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Roben (yes), Cabañas (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes).

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

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

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

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

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

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

3. **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 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 I, to read the project into the record.

Gerardo Quero, Planner I: Read the PowerPoint Presentation of the project into the record.

Ben Veach, consultant: Introduced himself.

Graham Stephens, applicant: introduced himself and read his PowerPoint presentation into the record.

Chairman Schaffner: We have no one else to present anything for this?

Graham Stephens: No, that's it.

Commissioner Cabanas: Mr. Chairman, we have 45 minutes of public speaking. I know you indicated we must be out of here in 20 minutes.

Jim Minnick, Director: 20 minutes, yes.

Chairman Schaffner: In order to be fair for everyone who wants to speak on this project I don't think that we can meet that 10:30 deadline. I think we should trudge forward here until they boot us out. I know a lot of people came a long way because I don't recognize you and to speed this up to give many of you the chance to speak as possible, if you would come up and make a line for the microphone. We have your name and address but when you come to the microphone you have 3 minutes, just state your name we won't need your address because we have it. We'll try to get as many of you through here as we possibly can. Make a second line over here to speed it up.

Commissioner Pacheco: I have a doctor appt in San Diego. I am going to have to excuse myself to be able to make it on time. I'll listen to one.

Jordan Joaquin, Quechan President: Good morning, my name is Jordan Joaquin, Imperial County resident, also a tribal member of the Quechan Indian Tribe, also tribal president of the Quechan Indian tribe. I come today and I thank you for hearing us out. It's 3 minutes but it's something that we will take. We as the tribe, tribal members some of them here, sister tribes here to speak against this project. The reason why is I kind of find it funny the last one says ongoing tribal engagement, we've asked BLM EI Centro office for a true tribal consultation because in a letter dated December 12th, we wrote to EI Centro BLM and said we still have concerns. We haven't had that true tribal consultation with them. They came into our chambers and said Oro Cruz wants to come in with a project. Great and I always start the meeting off is this a tribal consultation? No, it's a meet and greet. This process isn't over yet. We're waiting BLM EI Centro for the true tribal consultation. We will no longer stand idle. And I hear just 65 drill holes, that land is important to us. It's drilling into our ancestors, drilling into our DNA, that's what we feel about it. We want to be heard and we're asking you the planning commission, give us that opportunity to be heard. True tribal consultation. I'm not going to go over

the past negligence of the United States trust responsibilities. We're here to move on were here to move forward. We're asking you, planning disapprove this. Let the Quechan's be heard once and for all. We will explain why we are against this project. We'll explain. We have traditional singers here who speak about where the art originated, original songs, who we came from, who we are, and who we will become. We just want to be heard. We want this to be disapproved because we want true tribal consultation. We'll go back to our recordings, and I always start the meeting off "We'll hear you out BLM" and some of the maps you see, BLM helped Oro Cruz with those maps. How about helping the tribes. We're here we are not going anywhere. We have true partnerships and in the last 6 years I can attest 2 as a council member and 4 years as a president we have developed a strong relationship with Imperial County, the board of supervisors. When there was a mega storm last year there were no borders, there was no jurisdiction, we helped one another, and we are here. I plead for you guys to disapprove this because the process is not done. Quechan's other tribal leaders are standing by, standing idle. Please make the right decision. Thank you.

Gloria McGee: Also a member of the tribal council, Quechan is the second largest tribe in California by population. As Native Americans, we've always since time and memory been stewards of the lands we occupy. We live with respect for all forms of life which includes animals, insects, plants and water. Life is a circle we live off. These lives produce, all these lives, work together in unison to produce our oxygen, our water, our soil to grow our food. As a citizen and voting member of the Imperial County, I have come to protest the issuance of the permit for Oro Cruz to drill into the Earth to sample what is available for them to mine. Mining is no longer with a mule and a pickaxe traveling through the desert. Nowadays, it requires the use of highly toxic poison which affect the groundwater we are close to the Colorado River we are just over the mountain. As I said, life is a circle. What happens over here can affect many everywhere. It disrupts the ecological system that are prevalent in our area. In short mining is spiritually, environmentally toxic to all of us. BLM has failed to follow proper protocol by not including Quechan in a government-to-government consultation before issuing their permit. Thank you.

Zion White: I'm an enrolled member of the Quechan Nation. I'm also a councilman for the Quechan Nation. I'm here to ask for the denial of the Oro Cruz Reclamation Plan as the project would bring irreparable negative impacts to the entire membership for thousands Quechan's. These impacts are not adequately addressed in the environmental assessment, mitigated negative declaration or reclamation plan. This project would directly affect the religious freedom of the Quechan people. Although the areas are considered to be public lands, please know that this is a traditional landscape and holds traditional cultural places of high significance to the Quechan people. These lands are and still used in 2023 for religious practice and ceremony in numerous ways. The Quechan is a recognized federally sovereign nation therefore our entitled to government-to-government consultation on issues that will significantly impact our sacred areas. So, for these reasons, I'm asking the commission for the denial of the acceptance of the environmental assessment, negative impact declaration and for your denial of this reclamation plan until proper consultation with the Quechan tribe is conducted and as for my comments regarding the negative impacts to the Quechan people be taken into your high considerations. Thank you.

Faron Owl: I have a statement on Oro Cruz exploration project. Just west of the Quechan land lays a place many believe has magical powers. However, for the Quechan and other native people in the region for centuries, the land holds not mythical magic, but a real religious and cultural connection with the land, air, water insects, winged and four legged beings. The preservation of this site (the trail of dreams to the Quechan) is important to the Quechan's to continue religious, traditional practices, and cultural teachings of future generations of Quechan children. The site is a place for prayers and ceremonies. It is the site of our creation story and should be interpreted as a literal and historical account of how the Quechan people were created. I am writing to you because of my growing concern regarding the impacts of the proposed Oro Cruz Exploration Project in Imperial County, California., exploration of SMP Gold Corp will permanently desecrate the area and destroy our tribal cultural and religious heritage. I urge the Imperial County Planning Commission to require an Environmental Impact Study to properly analyze the irreparable impact on this sacred land before making a decision on the project. Please include this letter in your project file for the Oro Cruz Exploration project. Also,

include all future updates, notices and documents related to the project. Please do not hesitate to contact me and all my information is on the statement that I've given you. Thank you.

Chairman Schaffner, Thank you and we did get your letter.

Donald Medart Jr: I'm a member of the Quechan Indian Tribe. I'm also an elected leader of the Quechan people, I'm a councilman with the Quechan tribal council. I'm here today to oppose the Oro Cruz mining project as proposed. On the grounds that we never truly had tribal consultation. As you heard from our tribal president, we have had the Bureau of Land Management to our chambers, sit down with us, and specify that it was not tribal consultation. We had subsequent meetings with them where they did indicate that they provided maps to Oro Cruz. In those maps that we did observe there were hundreds if not thousands of specific lithics within the desert that were identified in our maps and that were provided to the Bureau of Land Management that somehow did not make it to the maps that they provided to Oro Cruz for the project. So just on that alone, we have thousands of sites out there that are unidentified on the maps that were provided as part of this authorization process. As a young boy growing up on the reservation, I was taught many songs that talk about our creation story and how we migrated. For those of you who don't know Quechan literally means those who descended and, in these stories, it talks about how we descended from our spirit mountain and we came through this specific area talking about different animals, different landscapes, different things that are all contained within that area and these are songs that we still sing today. These are songs that talk about our migration how we came to the area that you know we now know as Fort Yuma. The teachings of these songs is something that we hold sacred to ourselves and these are things that I teach to my sons today. These are songs that my daughters dance too and these are ceremonies that take place. They all refer back to these specific areas and to authorize someone to come in to drill into these areas, it may seem like a small thing because it's just a drill hole but to us there's a lot of things out there that stand to be desecrated and we won't stand for that. We're here humbly asking for the commission to disapprove this so we can have true tribal consultation so we can truly be heard in the fashion that we deserve as being a sovereign nation in the United States. We do deserve government to government consultation and that is guaranteed to us. Why it hasn't been done I understand that's not the commission's decision not to have true consultation with us but the ball is now in your court to disapprove this portion of it and allow us another day to continue to try and be heard on the federal side of it. Thank you very much for your time I truly appreciate it.

Preston J. Arrow-weed: As a young man of 17 years old, I joined the Marine Corps, and I took an oath to protect the United States of America. Now its your chance to protect the Quechan tribe like what I did with the Marine Corps, for the people. Now I heard the young man talking about songs. I sing two cycles of songs, two different ones but yet it's the Quechan and Kumeyaay of this area and nowhere when I teach songs did it say anything about destroying what we have, the land and everything. It doesn't say anything about destruction. Now I don't know how it comes to where we're at now but I don't see that destroying this land because what? For gold. I heard too that they are going to use 2,000 gallons of water a day its from the aquifer. The aquifer was put there by our creator for us, for human beings, all the living things in the desert, to live on but were going to use all that water to get the gold. Now water is life, life is water you got to remember that. Water is life we get rid of that water well we're destroying ourselves, all of us we are destroying ourselves for the gold. Is it the gold fever again? The gold fever of 1848 when they discovered gold. We want that gold; we could care less what it does, and I see that. The ancient song of the Kumeyaay "Quechan Language" and the Kumeyaay say it is the land that's named and now you know it. "Quechan Language" is the land you know and has been given to you. That's the Kumeyaay dialect saying that. "Quechan Language" the land you know. "Quechan Language" the land the creator came to this land when he did that. So, all these things that we have taught these songs to many young people in how to sing these songs and I've sung them in different areas to educate people. I think there is a need to educate Imperial County in our tribal ways too. The tribal ways mean to save all of us not just the Quechan people, all living things. That's what we believe in not to destroy. And when you do this, when this is done it also talked about the deer. Well, that deer is the first creature that pulled off its tail and sacrificed its tail and threw it in a fire.

Commissioner Cabanas: Time sir.

Preston J Arrow-weed: See I don't have much time to save the world.

Chairman Schaffner: Thank you.

Willie White: Good morning, thank you for allowing us this opportunity to speak. I'm an enrolled member of the Fort Yuma Quechan Tribe. Thank you to my Uncle Preston who just spoke. And thank you to everyone else here who's speaking on behalf of the Quechan people. As you know from the maps, this facility is located pretty close to us. When we look at pictures of the historical trauma that have been placed up there, to us it's like a wound. When you pull the bandage off the wound too soon what happens? It gets infected. That's what we're trying to stop from happening here today. As an enrolled member of the Quechan Tribe whose ancestral homelands include this critical habitat, we were also standing before you as some of the last living families of the Imperial Valley Kumeyaay and we demand that you honor the responsibility to our sacred landscapes by extinguishing any and all current future threats to our historic homelands. Reckless approval of the unnecessary and irreversible destruction extraction of resources would only perpetuate the negative impacts of this fragile landscape. We are here to find a path that can help align practical and proven solutions that address the adverse environmental impacts for the future of our area. We need time. Do not compromise by allowing these negative impacts of the proposed Oro Cruz exploration project in Imperial County, CA. any further exploration by SMP Gold Corp will cause irreversible damage to a landscape of great cultural religious and spiritual importance to my people, the Fort Yuma Quechan Imperial Valley Kumeyaay. Furthermore, the project would have significant impacts as illustrated on the Picacho area of critical environmental concern including on critical habitat for the threatened Mojave Desert tortoise. I urge the commission to stand alongside the federally recognized Indian tribes here, science and our local community to reject the mitigated negative declaration and require a full environmental impact report to improve the diligence as a minimum given to the significant negative impacts to this historical landscape. Thank you.

Chase Choate: I'm the environmental director of the Quechan tribe as well as a tribal member. I want to echo everything that has been said thus far and when it comes to the environment, the air, the water, the plants, the animals, even the rocks are sacred. We hold dearly that when we were brought up and I'm also a biologist. I also got into that field because no one is there to speak for the animals. Now we're losing critical habitats, we're losing numbers by the day and we're also going through water shortages. Going into climate change, everything is uncertain, and everything is up for grabs. Another point I want to make all our brothers and sisters across this nation in Indian Country are facing the same problems and issues. The lack of consultation, the lack of trust responsibility, it is happening to us, to all of our lands. Please I'm asking the commissioners to please deny this project and please respect the trust responsibility and consultation. Thank you.

Pascha Nierenhausen: Good morning commissioners, thank you for allowing me to speak. I'm Quechan tribally enrolled and Lakota Sicangu from South Dakota. I would like to ask for the plans to be denied. I have four points. One point is the critical environment concern due to the concerning pollution for example, methane. We have a lot of cattle here and that methane brings a lot of that pollution brought up to the Native Americans but diversity in general. That's very big for me. Number 2 would be the Quechan tribe, like our Quechan tribal president had just spoke moments ago in saying that we were not informed and as a community wholly to the Colorado tribes all the way to Kumeyaay, none of the natives were informed. The room would be full if the tribes were informed around here. On that note, if we feel like we're mitigating the minorities and the Native Americans and we need an opportunity to meet and speak and provide more surveys allow the Native Americans to work and participate with you. Number 3 we have an inherent sovereign right as our Quechan Tribal president spoke and you're not allowing that to happen by keeping us out. With respect of the Quechan tribal president if you can adhere to what he had asked for and the community is here to help support him along with the tribal council as well. The fourth is causing detriment and significant disturbance to the Quechan Tribe and the community and its operations. Due to the no sufficient research studies, I would say the majority of people who showed up here, the variety of the natives that have showed up here this morning, what I'm

trying to say is we all dance and sing. This year twice three times a lot of people go and do their ceremonies for MMIW, if you're drilling you're drilling on our ancestors like our tribal president had said. Please adhere to this and if you have any research studies for MMIW. Thank you.

Commissioner Cabanas: Time, thank you.

Helena Quintana: I am a 40-year resident of Imperial County, a citizen just like you and a resident of Imperial County. I am also part of Sierra club and I'm here to ask you to do your research to find out that if you do your research on gold mining, you'll find that gold mines are a source of destruction anywhere they go. It might take 20 years, it might take longer, but there will be destruction. The cyanide they use is a toxic chemical. It affects flora and fauna, it kills people, it kills animals, it kills plants,. Look up the Cordera in Spain and how they lost all their trees because of a mine that had closed down 20 years before. It took them 20 years to start killing that mountainside. Thank you.

Cecil Palone: Good morning, I'm a tribal member and a spirit runner. Just don't take our land that's our sacred spot right there. Thank you.

Nancy Meister: I'm here to support the Quechan tribe and I'm also president of Yuma Audubon, and our service area includes Imperial County since there is no Audubon society in this area. My main concern of course is birds. This is the pacific flyway right now the Cornell website is showing between a half and 1 million birds flying over this area every night. As we think about the birds that are flying at night as the sun rises in the morning, they are looking for some place to come and land to rest and refeed. If we have open pit toxic pools that will attract birds. And I know that he's talking about drilling and exploration but if they find gold there will be a gold mine. There will be these open pits of toxic material and the mitigation for the pools has not been 100% as a lot of studies have shown. With that I'm here to say that the tribe , we've worked with the tribe in some restoration areas along the river, they're trying to bring their land back to what it was. Even though this project is not right on their land reservation, it is their ancestral land. It should be respected so for these reasons I oppose this exploration. Thank you

Robert Wallace Jr: I am a Kumiai- Kumeyaay. Upon contrary belief that this is other people's territory, this is a place where my people lived in prosper for thousands of years. Mimic the landscape after its all said and done finding grade but its not the original of what we have. We know its all been torn up before, but I would like to say I stand behind the Quechan council president and people in hopes you guys deny this permit. Our people have been here since the beginning, we traveled. There's lots of stories in spirituality that a lot of us here have gained knowledge about and I would say my recommendation for you guys if anyone were interested, go and see. Be a part of something bigger than yourselves, which in spirituality and you might learn a little something on why we think its so important to keep. You know some people say I'm a good Christian person or I'm this or I'm that. We regard that as somebody praying to their Creator. You know all over the world it's held in high regard but why not here? You know this is all through the hands of BLM and old mining laws. We need to reform those mining laws. We need to protect our water. Once they find something they're going to plunder and it's going to go down, then it's going to be mimicked some years later. Please hear us guys. Thank you for your time.

Virgil Smith: I am an Imperial County resident and a Quechan tribal councilmember. I'm here to oppose. I'm with my fellow council members and tribal membership and community, I thank you for hearing our voices. I say to oppose just for the mere fact that the consultation process has not been completed with BLM. You know we did have a couple meetings like president said and they even had some more questions on definitions of points for us. So, to hear that they had it approved it already was surprising. But were here today thank you again for hearing us and opposing due to the consultation process that has not been completed. Thank you.

Jonathan Koteen: I am a tribal member and a tribal council member. I stand on the statements that were said by President Joaquin, fellow council members, tribal members, and community members that are standing

with us in solidarity against this project. You know it says that there is not going to be an impact to the environment, there is not going to be an impact to wildlife but what we're saying differs from that. There is going to be an impact for everything, there's going to be an effect. You're seeing the effect of us right now, the people. The people that have lived here for thousands of years. Were here telling you today that you know this is our history. Our history is etched out there in the landscape, its through petroglyphs, geoglyphs, intaglios and rock formation trails. We don't have history books we have oral tradition like our elders here, they pass on knowledge, ceremonies, and everything through stories and through our songs. There's no way to reclaim this land once you disturb it, it's never going to be the same again. If you've ever been out there the landscape is beautiful, the rocks have a beautiful patina on them and its dark. Once you flip that rock over, its white on the other side and its never going to be the same again. They make it sound easy like "Oh yeah we're going to take the soil and spread it out" but that is not the same. You've affected that area and its not going to return to its natural pristine, the way that it was. It takes thousands of years for that landscape to become what it was and for somebody to just come in, drill, say they're going to spread the soil, plant native seeds. You know its never going to be the same again. This is our history were talking about, its out there. That's just like burning a library or something like that but you know I just want to state that my stance is against this project. There's no way to reclaim this land. Thank you.

Kane Clone: I am a Fort Yuma Quechan tribal member and also a traditional singer that learned these songs. My stance is just like everybody else. We're opposed to it. Obviously there has been no proper consultation. To me and I were to look at it as if you know someone was to desecrate the art at the cemetery or your family's cemetery and gravesites. You know they told us at keystone that the pipeline was going to be good with all these environmental impacts, assessments and everything and look what happened there. So all were asking for is a consultation that were heard. I'm echoing everybody what they said. All we need is time to present our views and our stories and why this is so significant to us as a people. That's all I have got to say thank you.

Cary Meister: I am not Quechan, but I live on Quechan ancestral land in Yuma, AZ. I first became acquainted with the Quechan many years ago when I met Preston Arrow-weed in my office when I was a professor of anthropology at San Diego State University-Imperial Valley Campus in Calexico. Let's fast forward now because we are already over time, but I heard that the Quechan had a language program to teach the language and prevent it from becoming extinct. I participated in that program as a student and as part of that I learned that there's lots of names for places around here in Quechan. Everyone has a story, and it is a spiritual place for the Quechan. It gave me a completely different view of the environment. Now I would look and remember these things that the Quechan would tell me. I ask you to open your minds to consider that there can be such a different view of the world and we don't have time to go into it today. I would advise you to have Preston or there's video that tells the story of the Quechan, the songs and how they came from Spirit Mountain and came down the Colorado River. Its not just their reservation that's important its this whole area that is in their religion. You know I think one of the problems we have as non-Quechan is that when we think of holy places there always somewhere else. If you're Christian, there's Jerusalem, Bethlehem, the Holy Land. If you're Jewish, there's Israel, if you follow Islam, the Mecca, if you're a Buddhist, the Bohdi tree in northern India, maybe the people that are the only exception to that I know of besides all of the Native American communities are the Church of Jesus Christ Latter Day Saints who speak of the Lamanites happening on this continent. The point is we all have our religious beliefs. Too often our sacred places are somewhere else. For the Quechan their sacred places are right here in eastern Imperial County up to Nevada and over a much wider area and let's not forget the Kumeyaay who were the people who live in Imperial Valley. So, what I'm asking you to do is try to see through your eyes how the Quechan would see this. Give it as much consideration as you would to a mining company. I would say give even more consideration. Don't let it stop at your head, let it go to your heart. Thank you.

Janie McClain: I am a Native American descendant. I started working 13 years ago as a tribal monitor. The person that invited me was my late uncle. And of out of respect to our culture, I won't mention his name. The things that he asked me to do to represent the tribes, in our history, in our deep culture was not to look for artifacts or look for trails and not to look for anything with my eyes. He told me to look at these things with my

heart. He told me to go into my spirit which is our culture to look for these artifacts to protect it with everything I hold sacred. I hold this sacred. So with that being said, I would like for the commission to hold accountable SMP and implore the Planning Commission to challenge SMP to figure out a way to work with the community. If there's a favorable decision for the Oro Cruz project, then please invite the community to find a way to work with them. Uphold Native American culture. Hopefully that this project will be held with respect through the board members of SMP and that there be a continued presence of Native American culture in this area. With my experience in tribal monitoring, I would like to say that let this be the voice of the native American people to ask for the laws and the mitigations to be upheld. Please. That's all I have to say.

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 Cabanas: Yeah, I have a question. Is there anyone here from BLM?

Jim Minnick, Director: Yes

Chairman Schaffner: Can you come up to the mic please we have a couple questions.

Carrie Sahagun: introduced herself.

Commissioner Cabanas: My comment is we hear today that there was consultation, but they don't feel they were listened too? I want to know what really transpired between the Quechan and BLM on those meetings or consultations.

Carrie Sahagun: Yea so we held several meetings with the Quechan both with the honorable council members and the president along with the culture committee over the past 2 years and there's a lot of information that was shared, too much to go into right now. Yes, we did consult with them.

Commissioner Cabanas: So why are they not happy if you consulted with them on this particular project?

Carrie Sahagun: I think you heard here very clearly. They spoke very eloquently today about their concerns about the project. I don't want to speak for them.

Commissioner Bergh: How involved were you in that discussion? It sounds more like a meet and greet, or cocktail party as opposed to actually getting what they're trying to get through to BLM. I've had personal experience with BLM and they kind of take the attitude we are the government, and we are going to do what we want to do. We'll listen to you but that's the end of it. Is that what's going on here?

Carrie Sahagun: No not at all. Our consultation meetings both in tribal chambers and in the field and informally with the culture committee we were always seeking to understand their perspective on the project, to listen to them, as far as there were additional ideas they had about how the project could be changed to accommodate their concerns, if there were mitigation measures that we could take into account. From the very beginning we respected their opinions, asked for their input, and they made it very clear they were opposed to the project. We hear that and again, I think they shared that very clearly with you all today. They shared that with us too. I'm not sure other than those meetings, asking for their input, trying to accommodate that. That was certainly our objective from Day 1 in our meetings with them. We will continue to listen to the tribes, consult with them and incorporate any ideas they have. Right now, we informed them that when we approved the project that we would be working on a tribal monitoring plan and a cultural resource discovery plan. So that's the next step in our process under Section 106. I will be sending out a draft for them to review and give input too. Our consultations are ongoing.

Commissioner Cabanas: so, you have approved the project however there's still things that need to be done in consulting with them?

Carrie Sahagun: Absolutely.

Commissioner Cabanas: And they are aware of that?

Carrie Sahagun: Absolutely, we shared that when we sent out our decision via email on September 1st. once the monitoring and discovery plan is complete and ready for their review, we will be sending that out formally.

Commissioner Bergh: I think now you're getting before yourself. I think you need to go back and delay this process, work with the tribes then come back to the Planning Commission and say this is what you're going to do. You got the cart before the horse.

Carrie Sahagun: No respectfully that's not the way the process works under Section 106.

Commissioner Cabanas: Excuse me Section 106 under the BLM?

Carrie Sahagun: Yes, that's our process here that I'm speaking about of the National Historic Preservation Act and were not going to consult on a monitoring and discovery plan for implementation of the project unless we've approved a project. We of course would not be consulting on that if we made a decision on whether the project was going to be approved or not.

Commissioner Cabanas: So, the consulting the things you do will address some of their concerns?

Carrie Sahagun: I think they spoke very clearly about their opinion of the project and I'm not going to say whether or not our monitoring and discovery plan would address their concerns. I think they are very clearly opposed to the project.

Chairman Schaffner: Well if you have one of these meetings make sure they know it's a consulting meeting not a meet and greet.

Carrie Sahagun: Yes

Commissioner Cabanas: Can you come to the microphone?

Carrie Sahagun: Its their perspective that those are not consultation meetings, the BLM feels very differently about that. We come to those meetings in good faith, there to hear their perspectives, hear their concerns. If they choose to say it is not a consultation meeting, we're not there to argue about that were there to listen to them.

Jordan Joaquin: Every meeting we have is recorded. I begin the meeting with is this a tribal consultation, true tribal consultation. And I do explain to them the history of just the Quechan's, other tribes being a checklist. We call them on the phone is it a tribal consultation no its not. Carrie please, you have council members that are present, former council members that are present. We indicated in the beginning and in the end of the meeting this is not a tribal consultation meeting. Never did you say that's your opinion and we move on. We wouldn't be here before the planning commission to say those words. That's an incorrect statement. It's just like the gentlemen said we heard you, are you going to move forward, no we want to hear your concerns. December 12th. we wrote our concerns about new findings, petroglyphs, pottery and you never responded back.

Commissioner Bergh: What did you do about those findings?

Carrie Sahagun: Let me just make sure I address. Again, we don't want to argue whether someone believes a meeting is consultation or not. We're there to hear from the tribes and we were there to hear from the tribe in those meetings and in the informal field visits and so on. We take seriously the input we received from the

tribe both in person and in writing. We're aware of the concerns about the resources within the larger project area and certainly took that into consideration. The project is designed to avoid all cultural resources. There will be no physical impacts to the resources out there. The majority of them are historic mining components and so we certainly took that into consideration. The applicant took that into consideration and avoided all of the resources and redesigned their project. There is concern about the larger project area, the area of critical environmental concern and the resources within the area of environmental concern. However, the project will not be impacting those resources and they designed their project to avoid impacts.

Jordan Joaquin: We're just asking for a true tribal consultation. We plead with you guys again. We'll use the planning and zoning as an independent person. Set up a meeting. Hear us out. Hear us out on our new findings. Hear us out.

Commissioner Bergh: Mr. Chairman I am not willing to vote on this. I'd like to see a delay.

Chairman Schaffner: I think we are looking at a continuation here.

Jordan Joaquin: Thank you.

Chairman Schaffner: Just a couple things I want to bring up before that. You guys need to have another meeting and you need to put a heading on there that says what kind of meeting it is.

Jordan Joaquin: Thank you.

Chairman Schaffner: So, everyone knows what the meeting is. I know it may not be what you normally call it but you need to put that on there so we get that out the way. Another thing is we've done this same thing before, up by Salton Sea, and we went up there and visited. We walked around the site, drilled a hole there and tested it, planted it back in and all that stuff and one of the things I really want to stress is, I know there is some damages done when they do it that way but that is not the mining project. That's a whole different can of worms. A lot more stuff comes into play and the voting is going to be completely different. This is a lot less impact than a mine. If there's no gold up there, great. Not for you sir but for you, we don't even have to talk about it anymore. If there is then we've opened up a can of worms we have to deal with in a different meeting. I would be in favor of asking one of my commissioners to make a motion to continue this. You guys get your meeting together. We'll get a date and we'll bring it back. We're already imposing on the supervisors we already cut into them about a half an hour.

Commissioner Cabanas: I'll make a motion to continue this to the September 27th meeting.

Jim Minnick, Director: If we are expecting them to get into a meeting together I think we should reschedule this completely.

Commissioner Cabanas: Not put a date, okay.

Jim Minnick, Director: That way it gives them time in case it takes them longer.

Commissioner Cabanas: Made a motion for continuance until further notice 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 Item #3** stands in continuance pursuant to the Planning Chairman recommendations and that will be re-noticed.

IV. Public Comments, NONE

V. Planning Commissioner Comments,

VI. Director Comments,

Chairman Schaffner; adjourned meeting.

IX. Adjournment: Meeting adjourned at 10:58 a.m.

Submitted by Rudy Schaffner
Chairman of the Planning Commission

Attest:

Jim Minnick, Director of
Imperial County Planning Commission

Laryssa Alvarado & John Robb-PC Recording Clerks
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