



## IMPERIAL IRRIGATION DISTRICT RESOLUTION NO. 59-2022

**WHEREAS**, EnergySource Minerals, LLC (Energy Source) proposed the EnergySource Minerals, LLC ATLiS Project (Project) consisting of the construction and operation of a commercial lithium hydroxide extraction and production plant within the Salton Sea geothermal field in Imperial County on three parcels: two parcels are privately owned and under a purchase agreement with River Ranch, Inc. (APN's 020-100-025 and 020-100-046) and a third parcel is privately owned by Hudson Ranch Power I, LLC (APN 020-100-044) and will include shared facilities. The Project is located at the southeast intersection of Davis Road and McDonald Road south of Niland, California; and

**WHEREAS**, the Project was approved and permitted by the County of Imperial under Conditional Use Permit No. 20-0008; and

**WHEREAS**, the implementation of the Project requires upgrades and/or modifications to IID facilities as described in the Staff Report CEQA Compliance Summary - Energy Source Mineral ATLiS Project, dated October 7, 2022 (Staff Report) attached herewith, and are considered an integral part of the Project; and

**WHEREAS**, the upgrades identified in the Staff Report include the implementation of the extension of the O Drain and O Lateral Crossings at Highway 111 and McDonald Road involving the pipeline of approximately 48 feet of the O Drain and approximately 30 feet of the O Lateral with 48-inch reinforced pipe; and

**WHEREAS**, the environmental effects of the Project were assessed in a Final Environmental Impact Report (State Clearinghouse No. 2020120143) dated September 2021, prepared by Chambers Group, Inc. for the County of Imperial, the lead agency under California Environmental Quality Act, and adopted and certified by the County of Imperial Planning Commission, including a Mitigation Monitoring and Reporting Program, on September 22, 2021; and

**WHEREAS**, the FEIR evaluated the environmental effects of the Project involving and affecting IID as described herein in consideration of IID's policy that calls for IID facility upgrades required for and by the Project to be included in the Project's environmental effects analysis and any resulting impacts be mitigated by the project developer; and

**WHEREAS**, the FEIR did not identify any potentially significant environmental impacts that could not be avoided or mitigated. The resulting mitigation measures are enforced by the County and no mitigation measures proposed within the FEIR are the responsibility of the IID; and

**WHEREAS**, since a portion of the project involves IID facilities and requires a major work authorization approved by the IID Board of Directors, IID is a responsible agency under CEQA (California Code of Public Resources sections 21000 *et seq.*) and, therefore, must comply with CEQA requirements (14 CCR section 15096) including making certain findings regarding that portion of the project involving and affecting the district and not the entirety of the project. Thus, the board is required to make such finding.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED AS FOLLOWS:**

1. **Recitals.** The Board of Directors hereby finds and determines the foregoing recitals, which are incorporated herein by reference, are true and correct.
2. **CEQA Findings.** Pursuant to CEQA Guidelines section 15096(f), the Board of Directors hereby certifies that it has reviewed and considered the information contained in the FEIR and has considered all environmental effects of the IID portion of the Project as analyzed in the FEIR. Pursuant to CEQA Guidelines section 15096(a), the Board of Directors has complied with CEQA by considering the FEIR prepared by Chambers Group, Inc. for the County of Imperial, the CEQA lead agency, and has and will reach its own conclusions on where and how to approve the IID portion of the Project.

Based on its review and consideration of the FEIR and pursuant to CEQA Guidelines section 15091, the Board of Directors hereby finds the following:

- a. The FEIR provides adequate environmental analysis to support all necessary approvals by the IID for the IID portion of the Project.
- b. Pursuant to CEQA Guidelines section 15091(a)(1) changes and alterations have been required in or incorporated into the Project, which avoid or substantially lessen the significant environmental effects identified in the FEIR.
- c. Pursuant to CEQA Guidelines section 15091(a)(2) such changes or alterations are within the responsibility and jurisdiction of another public agency, the County of Imperial and its agencies, not the IID.
- d. IID is not identified in the FEIR as having responsibility over any of the mitigation measures regarding the IID portion of the project and, therefore, no findings over CEQA Guidelines section 15091(a)(1) are made by IID. The mitigation measures will be implemented and monitored as provided in the FEIR and no additional mitigation measures are being proposed or adopted

e. by IID. Therefore, IID shall not adopt a mitigation monitoring and reporting program for the IID portion of the Project.

3. **Notice of Determination.** The Board of Directors hereby authorizes and directs that a Notice of Determination be filed with the clerk of the County of Imperial.
4. **Documents.** The documents and other materials, which constitute the record of proceedings upon which this decision is based, are in the custody of Raquel Najera, Secretary to the Board of Directors, Imperial Irrigation District, 333 East Barioni Boulevard, Imperial, California, 92251.

**PASSED AND ADOPTED** this 15th day of November, 2022.

**IMPERIAL IRRIGATION DISTRICT**

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President

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Secretary