

Lake County Energy Policy Public Comment

Water, seismic safety, community protection, infrastructure investment, and completion of the promised Energy Element

To: Lake County Board of Supervisors

From: Sterling Wellman, Vice Chair, Eastern Region Town Hall - Spring Valley Resident

Submitted in an individual capacity unless formally authorized otherwise.

Subject: The Draft Energy Strategy Is Not a Completed Energy Policy - Lake County Must Protect Its Residents and Resources Now

Members of the Lake County Board of Supervisors:

I am submitting these comments regarding the Draft Lake County Energy Strategy and the accompanying Geothermal/Hydrogen Permitting Jurisdiction document.

The County committed to completing an Energy Policy and then completing the Energy Element within 30 days. What has now been presented does not appear to be a completed Energy Policy. It is primarily a discussion of the County's legal limitations, state permitting authority, financial constraints, and administrative procedures.

The presentation spends considerable time explaining what the County believes it cannot do, but it does not clearly tell developers, the California Energy Commission, or Lake County residents:

- What Lake County requires from energy developers.
- What technologies Lake County will oppose.
- Where energy development should be prohibited.
- What protections must be in place before a project proceeds.
- What affected communities must receive in return.
- What conditions the County will request during a state permitting proceeding.

That distinction is critical. If Lake County enters a California Energy Commission proceeding without adopted policies, scientific standards, and specific proposed conditions, the County will not be prepared to tell developers what we will and will not accept.

General statements of concern will not substitute for enforceable conditions supported by evidence. The County's presentation acknowledges that comments should be submitted as specific proposed conditions rather than general objections, but the presentation does not actually supply those conditions.

For that reason, the Board should not designate this administrative strategy as the completed Energy Policy.

State legislation and the loss of local control

The Energy Policy must address more than AB 531.

AB 531 allows geothermal power plants of any size to elect certification through the California Energy Commission. That can displace County permits over the site and related facilities.

SB 254 removed important protections from the CEC opt-in process, including the former requirement related to compliance with local laws, ordinances, regulations, and standards.

AB 527 attempted to streamline environmental review for geothermal exploratory and enhanced-geothermal projects. Although it was vetoed, the same concepts can return in future legislation.

AB 2234 is another pending measure identified in the County's own permitting document that could expand the definition of exploratory projects to include additional roads, distribution lines, and interconnection equipment.

The County needs a permanent legislative-monitoring and rapid-response policy. Staff should be required to notify the Board, tribes, town halls, and affected communities whenever legislation could expand CEC or CalGEM authority, reduce CEQA review, or further preempt Lake County's authority.

Lake County cannot adopt an Energy Policy based only on the law as it exists on one particular day. The policy must include a process for responding when Sacramento changes the rules.

No standing position of non-opposition

The draft strategy recommends adopting a standing position of "non-opposition" to a developer's choice of permitting pathway and making speed and predictability a primary defense of local control.

The County should not adopt a standing position of non-opposition before completing the Energy Element, mapping sensitive areas, establishing technology-specific standards, and adopting protections for residents, water, infrastructure, tribal resources, and public health.

Lake County should reserve its right to support, oppose, or seek changes to each project based on its location, technology, cumulative impacts, and effect on surrounding communities.

EGX, Sulphur Bank, and regional seismic risks

For the proposed EGX development area, the County must specifically evaluate the project's proximity to:

- Existing residences and communities.
- Clear Lake.
- Public drinking-water sources.
- The Clearlake Oaks water system.
- The Sulphur Bank Mercury Mine Superfund Site.
- The regional wastewater and Geysers pipeline system.
- The Bartlett Springs Fault Zone.
- Other active or potentially active faults.
- Critical public infrastructure and evacuation routes.

The seismic analysis must not stop at the proposed project boundary.

Indian Valley Reservoir, Indian Valley Dam, and the spillway are physically located in Lake County, even though they are owned and operated by the Yolo County Flood Control and Water Conservation District. Lake County residents therefore live with the direct consequences of the reservoir's operation, spillway condition, flood risk, and seismic hazards.

The Bartlett Springs Fault system and its relationship to critical water infrastructure must be independently mapped and evaluated. Indian Valley Dam is classified as a high-hazard facility, and Yolo Flood Control reports that its chute-style spillway can convey more than 39,000 cubic feet of water per second.

Any geothermal drilling, high-pressure injection, or reservoir-stimulation proposal must include a cumulative seismic-risk analysis addressing:

- Indian Valley Reservoir, Indian Valley Dam, and its spillway.
- The Bartlett Springs Fault Zone and naturally occurring and induced seismicity.
- Cache Creek and downstream Lake County communities.

- Emergency-warning and evacuation procedures.
- The consequences of dam or spillway damage.

The Energy Policy should require consultation with dam-safety officials and Yolo Flood Control, disclosure of current seismic evaluations and emergency-action plans, continuous seismic monitoring, and enforceable reduction or shutdown thresholds.

The fact that another agency owns or operates a facility does not eliminate Lake County's responsibility to protect its residents, property, roads, and emergency-response systems.

Water must be treated as a central Energy Policy issue

Water may be the most important missing subject in the proposed strategy.

Lake County already supports one of the largest geothermal developments in the world. The Geysers depends upon continuous injection of water to recharge and maintain the steam reservoir.

Lake County states that its treated-effluent pipeline system is capable of delivering approximately 3.2 billion gallons of combined treated effluent and make-up water to The Geysers annually. That is approximately 9,820 acre-feet of water.

It is important to clarify that the 3.2-billion-gallon figure is the pipeline's reported capacity for combined treated effluent and make-up water. It should not be represented as 3.2 billion gallons of raw Clear Lake water. The County must disclose the actual annual breakdown.

Lake County's draft 2026 Water Resources Element acknowledges that treated effluent does not always provide sufficient water and that make-up water is drawn from Clear Lake under an agreement with the Yolo County Flood Control and Water Conservation District.

The original federal environmental review for the Southeast Geysers Effluent Pipeline described diversion of make-up water from Clear Lake, combining Clear Lake water with treated wastewater, conveyance of that combined water to The Geysers, and daily adjustments to Clear Lake diversions to maintain consistent pipeline flows.

Required public disclosure

Before supporting additional geothermal development, the County should publish the following information for at least the previous 10 years:

1. The total amount of water delivered to The Geysers during each year.
2. The annual amount consisting of treated Lake County wastewater.
3. The annual amount consisting of raw Clear Lake make-up water.
4. The annual amount supplied through the Santa Rosa recharge project and other sources.
5. The names of the companies and geothermal facilities receiving the water.
6. The amounts geothermal operators paid for treated wastewater and Clear Lake make-up water.
7. The amounts paid to the Yolo County Flood Control and Water Conservation District.
8. The revenue received by Lake County, LACOSAN, and affected sanitation districts.
9. The contractual maximum amount of Clear Lake water that can be diverted for geothermal operations.
10. The circumstances under which Clear Lake diversions must be reduced or suspended because of drought, low lake levels, emergencies, or community water needs.
11. Whether existing agreements give current Geysers operators priority over new geothermal projects or other future water uses.
12. Whether the proposed EGX project intends to use the existing wastewater pipeline, treated effluent, Clear Lake make-up water, groundwater, or another public water source.

13. Whether current pipeline and water agreements allow additional geothermal facilities to participate.

14. Who is financially responsible if the pipeline, pumping system, or wastewater facilities fail.

The Energy Policy should prohibit a new project from relying upon potable water, public drinking-water supplies, or raw Clear Lake water unless an independent cumulative water-availability analysis establishes that the use will not impair residents, public water systems, domestic wells, fisheries, tribal resources, lake health, or drought resilience.

Lake County's water-rights history must not be repeated

Lake County must protect itself now. We have already experienced what can happen when local government fails to secure control over a critical public resource.

Lake County's own published history states that when Yolo interests were preparing to construct the Cache Creek Dam, they asked the Lake County Board of Supervisors whether Lake County was interested in the lake water, and the answer was no. Lake County then failed to apply for the water rights.

Yolo County does not own Clear Lake itself. However, the Yolo County Flood Control and Water Conservation District now holds substantial appropriative rights to water released from Clear Lake.

When Clear Lake reaches 7.56 feet Rumsey by May 1, Yolo can receive an allocation of up to 150,000 acre-feet. Lake County's website estimates that approximately 320,000 acre-feet exists between zero and 7.56 feet Rumsey, while approximately 120,000 acre-feet may be lost through annual evaporation.

Control and sale of water is now a major source of revenue for Yolo Flood Control. Its audited financial statements show that during fiscal year 2024-25:

- Water sales produced approximately \$7.06 million.
- Approximately 120,029 acre-feet of agricultural water was delivered.
- Approximately 9,728 acre-feet of non-agricultural water was delivered.
- Total revenue reached approximately \$12.33 million.
- The district experienced a \$4.51 million increase in net position.
- Its ending net position reached approximately \$37.17 million.

Those figures do not establish that every dollar came directly from Clear Lake. The district also operates Indian Valley Reservoir and other infrastructure. However, its audit expressly states that water sales are a principal revenue source and that the increase in net position was associated with full reservoirs, a normal irrigation season, and unrestricted agricultural water sales.

Indian Valley Reservoir is physically located in Lake County, but it is owned and controlled by Yolo Flood Control. The reservoir supports water deliveries, hydroelectric generation, and the district's broader operations while Lake County contains the reservoir, dam, spillway, and associated physical risks.

We cannot change decisions made more than a century ago, but we can learn from them. Lake County must not repeat this history by allowing outside agencies or private corporations to secure the long-term value of our geothermal resources, wastewater, land, water, and public infrastructure while local residents are left with environmental risks and failing public systems.

Major developers must invest in Lake County

A private company willing to invest \$500 million, \$1 billion, or more in Lake County is not making that investment as a public service. It expects substantial long-term returns exceeding its investment and financing costs.

Lake County residents should not bear the industrial activity, traffic, noise, air-quality concerns, water demands, seismic risks, wildfire dangers, evacuation impacts, and possible effects on property values

while most of the electricity and economic benefit leave the county.

For once, Lake County residents and affected communities must receive a meaningful and enforceable return.

This is especially important when a large energy facility is proposed in or near an existing community. The people living closest to a project will experience the greatest risks and impacts and should receive the greatest direct benefits.

The County should demand a legally available mechanism for:

- Lower electricity costs.
- Household utility credits.
- Direct energy assistance.
- Local resilience and backup-power programs.
- Community microgrids where feasible.
- Energy-efficiency and home-hardening assistance.

If a developer cannot legally provide discounted electricity directly, or refuses to fund meaningful rate relief, it should make an equivalent and substantial investment in Lake County's failing infrastructure.

These investments should include:

- Replacement of aging asbestos-cement water mains.
- Water-storage and distribution improvements.
- Sewer collection and treatment improvements.
- Roads and bridges.
- Emergency evacuation routes.
- Fire protection and emergency medical services.
- Emergency-warning and communication systems.
- Environmental and seismic monitoring.
- Infrastructure within the communities closest to the development.

When a project uses public wastewater, pipelines, roads, water supplies, treatment facilities, or other publicly funded assets, the County must calculate the fair value of those resources and recover the full cost of their use.

Community-benefit funding should not simply disappear into the County's general budget. It should be dedicated, transparent, publicly tracked, and directed toward the communities experiencing the greatest impacts.

These obligations can be pursued through legally defensible, project-specific tools, including development agreements, community-benefits agreements, fair-share infrastructure contributions supported by a documented nexus, road-use and maintenance agreements, applicant-funded studies, reimbursement of County costs, performance bonds, construction-damage deposits, direct construction of public improvements, and conditions requested during the CEC proceeding.

The County must negotiate as aggressively to protect Lake County residents as developers negotiate to protect their investments and profits.

Other protections still missing

Hydraulic fracturing and reservoir stimulation

The policy must clearly define and regulate or prohibit hydraulic fracturing, enhanced-geothermal stimulation, high-pressure injection, acid stimulation, explosive stimulation, chemical additives and proppants, horizontal drilling, superhot-rock development, and unsupported claims that a system is completely "closed loop." A developer's use of the words "closed loop" should never exempt a project from reviewing subsurface, water, seismic, drilling, and contamination risks.

Siting and setbacks

The County needs scientifically supported standards and setbacks from homes and populated communities; schools and healthcare facilities; tribal cultural and sacred sites; the Sulphur Bank Mercury Mine Superfund Site; Clear Lake, Cache Creek, and other surface waters; public drinking-water sources; domestic wells and aquifers; water and wastewater infrastructure; active and potentially active faults; high wildfire-hazard areas; critical evacuation routes; and environmentally sensitive habitat.

Insurance and financial assurance

Every project should provide environmental impairment and pollution insurance; well-control insurance; general and excess liability coverage; financial responsibility for groundwater contamination; closure and decommissioning bonds; well-plugging and site-restoration security; long-term post-closure monitoring; inflation adjustments; and financial protection if a developer sells the facility, reorganizes, or files bankruptcy.

Public-health monitoring

The policy must address hydrogen sulfide, mercury, radon and naturally occurring radioactive materials, drilling and operational air emissions, noise and low-frequency vibration, light pollution, odors, soil and groundwater contamination, pipeline and well leakage, and emergency releases. Monitoring should be independently verified and published through a public reporting system.

Geologic hydrogen and data centers

The County must establish meaningful standards for hydrogen production wells, leakage, fire and explosion hazards, pipelines, storage, emergency response, and protective setbacks. It must also address data-center water and electricity consumption, cooling systems, backup diesel generation, battery-storage fire risk, noise, transmission requirements, jobs created compared with resources consumed, infrastructure contributions, and co-location with geothermal facilities.

Energy Element deadline and public participation

If the commitment was to complete the Energy Element within 30 days after the Energy Policy, the Board should adopt a public schedule identifying:

- The date on which the Energy Policy will be considered complete.
- The beginning and ending dates of the 30-day Energy Element period.
- The responsible department and staff.
- Dates for public release of the draft.
- ERT and other town-hall review.
- GPAC review.
- Tribal consultation.
- Northshore and affected-community workshops.
- Board hearings.

- How the Energy Element will be incorporated into GP2050.
- What interim protections will apply if the General Plan is delayed.

Requested Board action

I respectfully ask the Board to:

1. Decline to designate the current administrative strategy as Lake County's completed Energy Policy.
2. Direct staff to return with an actual Energy Policy establishing Lake County's environmental, water, seismic, infrastructure, and community requirements.
3. Remove the proposed standing position of non-opposition until those protections are adopted.
4. Publish the annual water quantities, contracts, payments, and revenues associated with the Geysers pipeline and Clear Lake make-up water.
5. Require comprehensive analysis of Indian Valley Reservoir, its dam and spillway, the Bartlett Springs Fault Zone, and the cumulative seismic effects of geothermal injection and reservoir stimulation.
6. Establish requirements for rate relief, direct resident benefits, or equivalent infrastructure investment from major energy developers.
7. Begin the promised 30-day Energy Element process immediately after adoption of a genuine and complete Energy Policy.

Lake County missed its opportunity to secure local control over substantial Clear Lake water rights. Indian Valley Reservoir, its dam, and spillway are located within Lake County, yet the facility is controlled by Yolo Flood Control and supports water deliveries, revenue, and hydroelectric generation outside our county.

We must not repeat that history with geothermal resources, wastewater, public infrastructure, geologic hydrogen, data centers, or the next generation of energy development.

Lake County cannot wait until a billion-dollar developer has selected a site, negotiated access to public resources, and entered the state permitting process before deciding what protections our communities need.

Those protections must be adopted now.

Let's protect Lake County now, before another irreplaceable public resource is committed for generations.

Respectfully,

Sterling Wellman
Vice Chair, Eastern Region Town Hall
Spring Valley Resident

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Sources

- Lake County - How Yolo Obtained Water Rights
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- Lake County - Clear Lake Summer Levels
<https://www.lakecountycalifornia.gov/1146/Clear-Lake-Summer-Levels>
- Yolo County Flood Control and Water Conservation District - Finance
<https://ycfcwcd.org/finance/>
- Yolo County Flood Control and Water Conservation District - Audited Financial Statements for years ending April 30, 2025 and 2024
<https://ycfcwcd.org/wp-content/uploads/2025/11/Yolo-CFD-WCD-FY25-Financial-Statements-FINAL.pdf>
- Yolo County Flood Control and Water Conservation District - Indian Valley Dam information
<https://ycfcwcd.org/>
- U.S. Department of Energy - Southeast Geysers Effluent Pipeline environmental review
https://www.energy.gov/sites/prod/files/2015/04/f22/EIS-0224-DEIS-Executive_Summary.pdf
- Lake County 2050 - Draft Water Resources Element
https://lakecounty2050.org/wp-content/uploads/03_Water_Resources_Element_Public_Draft_2026_02.pdf
- Calpine - Geysers water and sustainability information
<https://www.calpine.com/>
- County of Lake - Draft Lake County Energy Strategy, September 2026
<https://countyoflake.legistar.com/View.ashx?M=F&ID;=15852296&GUID;=1F008190-A512-4AFB-AAA6-E45842EECD60>
- County of Lake - Geothermal/Hydrogen Permitting Jurisdiction, September 2026
<https://countyoflake.legistar.com/View.ashx?M=F&ID;=15852295&GUID;=DAA01198-F77D-465D-B565-1B61236AE0B0>

Figures are drawn from the cited public documents. The 3.2-billion-gallon figure is reported pipeline capacity for combined treated effluent and make-up water, not a verified annual quantity of raw Clear Lake water. The Yolo financial figures cover the district as a whole and should not be attributed entirely to Clear Lake.