



SANDOVAL COUNTY PLANNING & ZONING

APPEAL OF ZONING APPLICATION

APPEAL OF: TEMPORARY USE PERMIT VARIANCE
 CONDITIONAL USE SPECIAL EVENT PERMIT
 ADMINISTRATIVE/INTERPRETATION ACTION

ZNCH-24-005: P&Z Decision regarding PCR Investments, agent for Diamond Tail Ltd, for a Zone Map Amendment from Rural Residential/Agricultural District (RRA) to Special Use District (SU) for parcels: 1035072263264 in S:1 T:12N R:6E, 1035072241370 in S:2 T:12N R:6E, 1036073338275 & 1036073062200 in S:36 T:13N R:6E, 1035073330135 & 1035073265396 in S:35 T:13N R:6E, 1034073400260 in S:34 T:13N R:6E.

APPLICANT:

Wild Horse Observers Association (WHOA) 501 c3 505-610-7644 39 Llano del Norte, Placitas, NM 87043

Patience O'Dowd 505-610-7644 39 Llano del Norte, Placitas, NM 87043

Lilianna Gonzales Pittman 505 828-3937 PO BOX 118 SANDIA PARK, NM 87047-0118

Jodilynn Ortiz 505-307-2395 4 Calle San Miguel, Placitas, NM 87043

TELEPHONE: SEE ABOVE

ADDRESS : SEE ABOVE

AGENT : _____ TELEPHONE: _____

ADDRESS : SEE ABOVE

E-mail Address: SEE ABOVE

EXISTING LEGAL DESCRIPTION OF PROPERTY:

WHOA: Legal: Subd: LANDS OF NEAS JOE Tract: A SERIAL: 6255 MAKE: CHAMPION / 119426 SIZE: 28 X 40

Patience O'Dowd: Legal: Subd: LANDS OF NEAS JOE Tract: A SERIAL: 6255 MAKE: CHAMPION / 119426 SIZE: 28 X 40

Lilianna Gonzales Pittman: Legal: S: 19 T: 12N R: 06E Subd: LANDS OF LA AGUAPA RANCH INC. Tract: 2

Jodilynn Ortiz: - Legal: S: 27 T: 13N R: 5E Subd: LANDS OF GARCIA CELINA TARADDEI Lot: 1B MBL HOME TITLE: 4710

TOWNSHIP SEE ABOVE RANGE _____ SECTION _____

MRGCD Tract No. (If applicable) _____ MRGCD Map No. (If applicable) _____

Subdivision _____ Lot No. _____

Block No. _____ Total Acres: _____ Number of Lots (existing) _____

REASON FOR THE APPEAL (Use additional sheets if necessary):

Pursuant to Sandoval County New Mexico- Code of Ordinances, Appendix A, Zoning Ordinances Sec. 15(1). - Health and Sanitation. (Sec. 15(1), Planning and Zoning is supposed to look out for our health, safety, welfare, enhancement

of the beauty and quality of our environment, conserve our natural resources and work to abate rather than cause public nuisances including economic issues, noise, glare, or odor effects.

Sec. 15(1). - Health and Sanitation.

A. Findings and Purpose.

1. It is the purpose of this Section to promote the health, safety and welfare of the citizens of the county by protecting property from blighting and deteriorating conditions by establishing minimum standards governing the maintenance, appearance and conditions of all residential and non-residential premises.
2. **It is the purpose of this Section to enhance the beauty and quality of the environment;** promote the **conservation of natural resources;** prevent the spread of disease and the **creation of nuisances;** and to provide for the **abatement of public nuisances** including: “economic, noise, glare, or odor effects”.

F.

Zone Map Amendment Guidelines. The County Board shall not approve a Zone Map Amendment unless satisfactory provision has been made concerning the following, where applicable:

1.

Accessibility to property and existing or proposed structures thereon, with particular reference to automobile and pedestrian safety, traffic control, **and emergency access in case of fire, flood or catastrophe;**

Contrary to these and other Planning and Zoning policies, procedures and statutory requirements the Planning and Zoning Commission has both erred and has abused their discretion in approving this zoning change.

They have also not provided an evacuation plan, have not utilized proper licensed fire professionals, and have loosely approved this as if it were no more than a solar “farm” rather than a Lithium ion Battery Energy Center and the decision was not supported by evidence of Fire Safety or Air Safety in the matter.

The Placitas Area Plan and Wildlife Corridor has been ignored.

<https://www.sandovalcountynm.gov/wp-content/uploads/2017/06/papfinal.pdf>

The proximity and SAFETY RISK of Lithium thermal runaways of communities (La Madera, Puertecito SPCE, PAAKO, and others has been ignored.

The proximity to the Sandia Forest and Wilderness Area and WILDLIFE Safety has been ignored including endangered species.

SEE WHOA PUBLIC COMMENT by Patience O’Dowd Exhibit 1

SEE Liliana Gonzales-Pittman Affidavit Exhibit 2

EXHIBIT I

NEW MEXICO'S FIRST LITHIUM-ION-BATTERY ENERGY STORAGE CENTER

IS NOT A SIMPLE SOLAR "FARM"

12/10/2024 POD

IT IS A LACK OF TRANSPARENCY AND SAFETY NIGHTMARE

NEXT TO A FOREST COMMUNITY

URGENT Note: There are no regulations addressing the **thermal runaways**, evacuations required due to **toxic and corrosive gasses** causing **pulmonary edema, seizures, coma, also affecting, kidneys, and heart functions.**

"The Public Regulation Commission reviews and approves renewable energy procurement plans and reports of Investor Owned Utilities ("IOU's") and Rural Electric Cooperatives ("Coops") pursuant to the Renewable Energy Act ("REA"), §§ 62-16-1 et seq. NMSA 1978 and Title 17.9. 572 NMAC ("Rule 572").

===➔ **BUT THERE IS NOTHING AT ALL IN THE STATUTORY CODE OR ADMINISTRATIVE CODE DEALING WITH THESE ENERGY STORAGE CENTERS THERMAL RUNAWAYS** which burn for days and Sandoval County P&Z does not even have a Fire Professional on staff as of a couple weeks ago as required per their staffing chart.

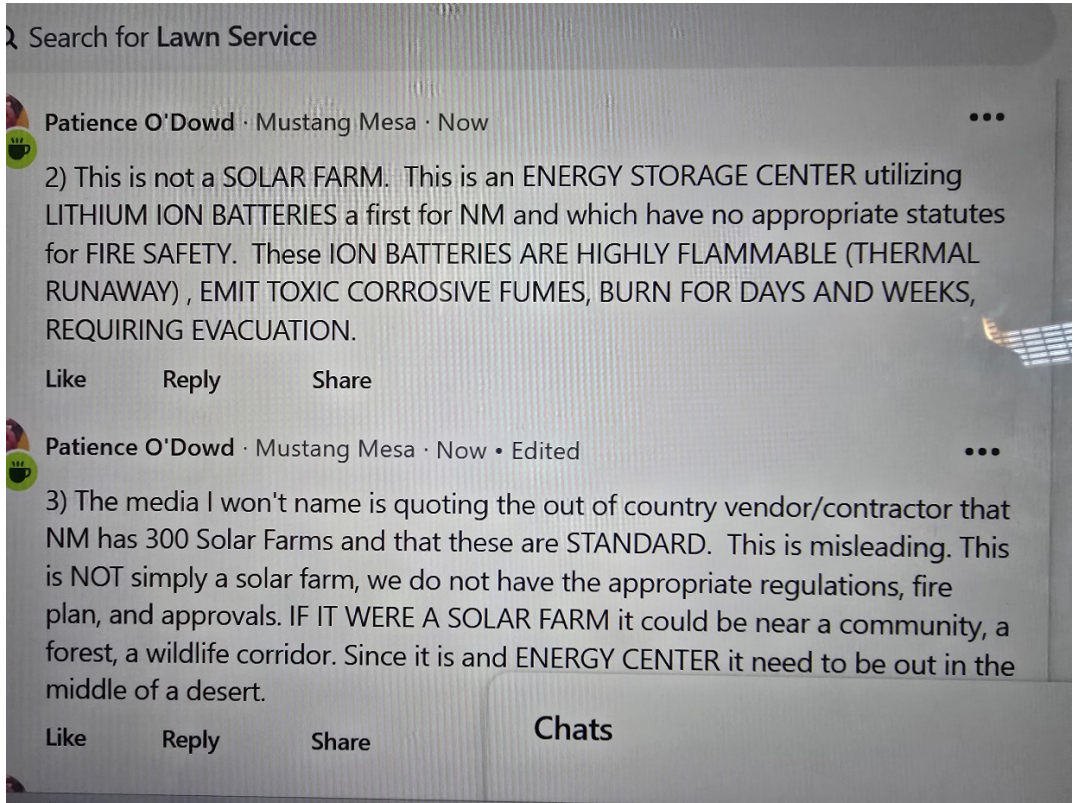
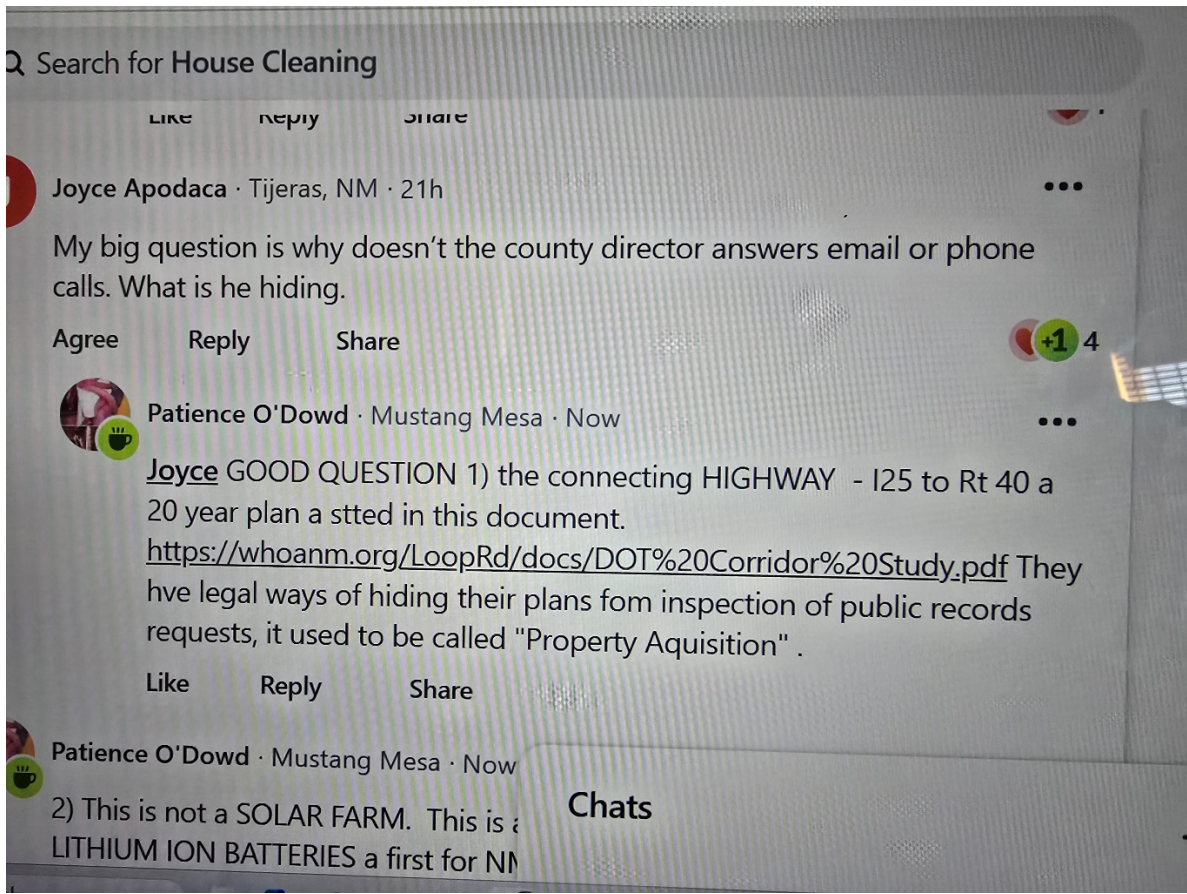
SAN FRANCISCO IS LOOKING AT REQUIRING THESE TO BE AWAY FROM COMMUNITIES ETC. DUE TO Otay and Escondido Fire in 2024. California's Bill SB38 details 3 incidents/fires in 2023.

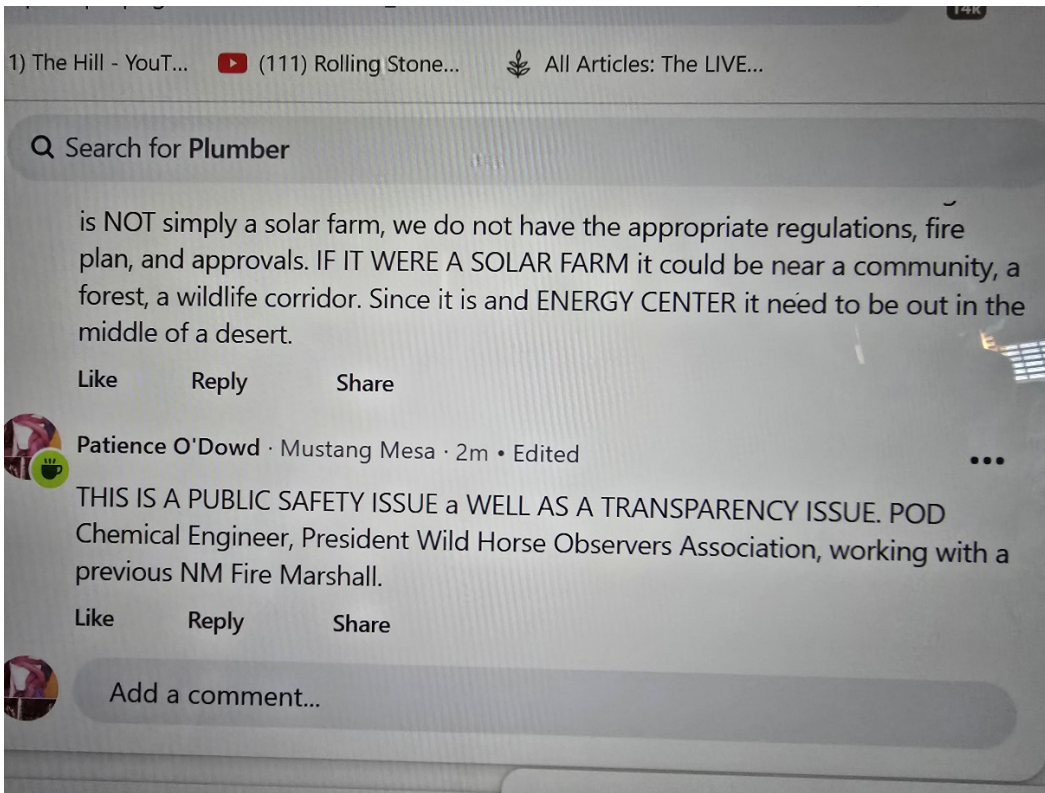
https://seuc.senate.ca.gov/sites/seuc.senate.ca.gov/files/sb_38_analysis.pdf

Fires are costly and these energy centers impact property values as well as health and environment. They need to be far from communities and forests.

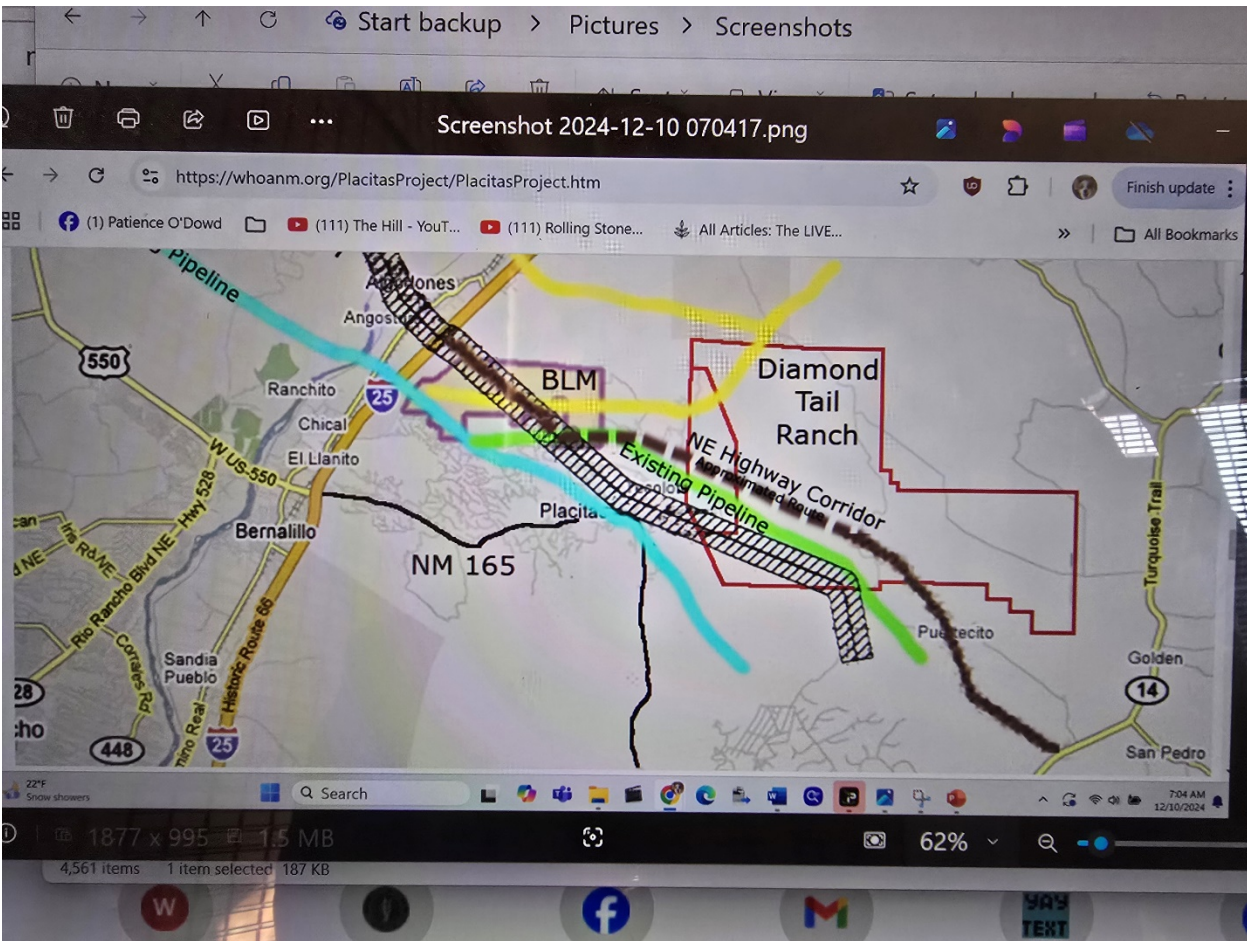
WHY IS THIS INFORMATION IN THIS POST NOW BLOCKED?







**WHY ARE MANY REALTORS ON THE EAST SIDE OF SANDIA ADVERTISING THEIR PROPERTIES WITH PLACITAS AS THE NEAREST GRADE SCHOOL? See 20 YEAR PLAN HERE WHICH WAS PUBLISHED IN 2001:
<https://whoanm.org/LoopRd/docs/DOT%20Corridor%20Study.pdf>
Highway through Diamond Tail's (FLAMABLE ENERGY STORAGE CENTER) to RT 14 then to I40. Approximately 20,000 TRIP/DAY.**



- 4) Authorizes the CPUC, after a hearing, to require every public utility to construct, maintain, and operate its line, plant, system, equipment, apparatus, tracks, and premises in a manner so as to promote and safeguard the health and safety of its employees, passengers, customers, and the public. (Public Utilities Code §768)
- 5) Requires the CPUC, as part of the Public Utilities Act, to implement and enforce standards for the maintenance and operation of facilities for the generation and storage of electricity owned by an electrical corporation or located in the state to ensure their reliable operation. (Public Utilities Code §761.3)
- 6) Authorizes the California Occupational Safety and Health Standards (Cal/OSHA) Board within the Department of Industrial Relations (DIR) to establish by an affirmative vote of at least four members (from a total of seven), to adopt, amend or repeal occupational safety and health standards and orders. Requires Cal/OSHA to adopt standards that are as effective as the federal standards, as specified. Establishes that Cal/OSHA is the only agency in the state authorized to adopt occupational safety and health standards. (Labor Code §142.3)
- 7) Requires every employer to furnish employment and a place of employment that is safe and healthful for the employees, including requiring an injury prevention plan. (Labor Code §6401 et seq.)

This bill requires each battery energy storage facility in the state to have an emergency response plan and an evacuation plan that covers the area of the battery energy storage facility.

Background

Growth in battery energy storage. California is increasingly relying on new and emerging energy storage technologies to support electric service reliability and help achieve the state's ambitious greenhouse gas (GHG) reduction goals. Energy storage technology offers opportunities for balancing increasing volumes of intermittent renewable energy (such as solar and wind energy), allowing for the storage of energy during times when production is high but demand is lower, and discharging during times when production from renewable resources is more limited or not available. In particular, lithium-ion stationary energy storage development in California is accelerating rapidly. The technology is fast-tracked in utility procurements due to its ability to support the state's clean energy and reliability goals cost-effectively. In 2019, there was 250 megawatts (MW) of

utility-scale lithium-ion battery systems operating and participating in the state's wholesale power markets, which has grown to over 3,000 MW. The CPUC anticipates growth in total battery energy storage installed capacity to reach almost 15 gigawatts by 2032, with lithium-ion batteries as the main type of storage.

Safety incidents at battery storage facilities. There have been three distinct and recent safety incidents at separately owned battery energy storage facilities located at the Moss Landing Harbor location in Monterey County which occupies one of the largest battery energy storage systems.

- On September 4, 2021, there was a safety incident at the Moss Landing Phase I (300 MW) lithium-ion battery energy system owned by Vistra Corporation that prompted an immediate shutoff of the facility. According to Vistra Corporation, an investigation found that smoke from a failed bearing in an air-handling unit in the building triggered a heat suppression system to improperly spray water on battery racks, causing damage and overheating.
- The same facility, though in a separate building, experienced a second incident on February 13, 2022, at its Phase II (100 MW) building. Following the incident, Vistra stated in a news release that there was early evidence that water hoses leaked and that some batteries short circuited, creating smoke in the building. Vistra subsequently decided to pause restart activities while they assess the Phase II incident and incorporate any learnings. Both Vistra-owned facilities have since been brought back on-line.
- On September 20, 2022, a separate incident occurred at a neighboring battery energy storage facility (182 MW) at Moss Landing, but owned by Pacific Gas & Electric (PG&E). The battery fire at the storage facility led to a shelter-in-place advisory for the neighboring community, including to a local recreational vehicle camp. According to news reports, the fire smoldered for five hours as emergency responders are advised to not extinguish a battery fire, but allow it to burn itself out.

SB 1383. Given California's growing reliance on lithium-ion battery storage systems and recent safety issues at one of the state's largest lithium-ion battery storage facilities, SB 1383 (Hueso, Chapter 725, Statutes of 2022) expanded the CPUC Generating Asset Owner (GAO) operation and maintenance standards, contained in General Order (GO) 167-B to oversight of energy storage systems, not just electric generation facilities, including systems owned by third-parties. The CPUC's Safety and Enforcement Division (SED) implements GO 167-B by

conducting in-person audits at CPUC-jurisdictional electric generation and storage facilities (e.g. natural gas, combined cycle, solar, wind and geothermal) throughout the state. As part of the SED's responsibility to ensure compliance with GO 107-B, a team of auditors from the Electric Safety and Reliability Branch (ESRB) within SED regularly conduct comprehensive audits of power plants through performance data analysis, record review, field inspection, and plant staff interviews. SB 1383 expanded the CPUC's authority to audit and inspect energy storage facilities in order to help ensure safety and reliability, potentially reducing future safety incidents and related unexpected loss of energy capacity on the electric system. As part of the safety oversight, facilities are required to comply with existing laws and statutes, including those related to ensuring protection of life and limb.

Need for this bill? Following the September fire incident, local residents and other community stakeholders expressed concerns about the safety and potential risks of battery energy storage facilities, including the potential for toxic emissions affecting local residents. A town hall meeting to discuss these concerns has been in the works, but has been delayed due to the recent and repeated winter storms affecting the region. Existing statutory requirements (Labor Code §§142.3 and 6401, among others), and related regulations (California Code of Regulations DIR Subchapter 7 *General Industry Safety Orders*, including §3220), generally, require employers to provide a safe environment for workers, which includes emergency action plans and evacuation procedures and plans as it relates to fires and other emergency events. As such, employers who operate battery energy storage facilities are subject to the Cal/OSHA requirements, though there are not specific requirements for these facilities as there may be with some high risk facilities, such as refineries. Nonetheless, the author wishes to have the statute explicitly require battery energy storage facilities to have emergency response and evacuation plans.

Technical amendments needed. *The author and committee may wish to adopt amendments to clarify that the requirements proposed by this bill are in adherence of existing Labor Code and related regulations regarding worker safety, including requirements related to emergency action plans and evacuation procedures that apply to the premise of the facility. Additional amendments will move this requirement to the Public Utilities Code §761.3 which provides for an inspection and enforcement regime administered by the CPUC.*

Prior/Related Legislation

SB 1383 (Hueso, Chapter 725, Statutes of 2022) expanded the CPUC's safety oversight of electric generating facilities to encompass energy storage facilities.

AB 2514 (Skinner, Chapter 469, Statutes of 2010) required the CPUC to determine appropriate targets for load serving entities to procure energy storage systems.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT:

None received

OPPOSITION:

None received

ARGUMENTS IN SUPPORT: *According to the author:*

This September, California saw record temperatures putting immense strain on our state's electrical grid. We were able to avoid blackouts in part due to our investments of 3,500 megawatts of clean energy battery storage. Increasing the state's battery storage is essential to reaching our clean energy goals, but we also have to ensure that these facilities have safety systems in place to ensure the safety of workers and surrounding communities.

-- END --

PUBLIC MEETING ANNOUNCEMENT NM Highway 14 to Interstate 25 Corridor Study

The New Mexico State Highway and Transportation Department (NMSHTD) has completed an initial corridor study for a potential roadway connecting I-25 and NM 14 north of the Sandia Mountains. Public meetings will be held to present the findings and recommendations of this study and to provide the public with an opportunity to comment on the NMSHTD's recommendations.

Based on a review of 20-year growth projections and an initial evaluation of potential route alternatives, the NMSHTD has concluded that the existing highway system is adequate to meet the mobility needs of the Placitas area and north East Mountain communities. Therefore, the NMSHTD recommends that the corridor study for a potential new state highway linking I-25 and NM 14 not be advanced at this time. However, the needs assessment has found that growth beyond the 20-year projections may require improvements to NM 165 and NM 14 and/or the construction of a new highway link between I-25 and NM 14. Because a proposed land exchange between the Bureau of Land Management (BLM) and San Felipe Pueblo could preclude the ability to implement such a roadway in the future, the NMSHTD will request to the BLM that a potential alignment for a potential future roadway be preserved as part of their proposed public land exchanges.



The basis for the above findings and recommendations will be presented at two public meetings. The dates, times and locations of these meetings are as follows:

Date: Tuesday May 8, 2001	Date: Wednesday May 9, 2001
Time: 7:00 pm to 7:30 pm – Presentation 7:30 pm to 8:30 pm – Public Comments	Time: 7:00 pm to 7:30 pm – Presentation 7:30 pm to 8:30 pm – Public Comments
Place: Placitas Elementary School 05 Calle de Carbon, Placitas	Place: San Antonio Elementary School 12555 North New Mexico Highway 14

Additional information about the upcoming public information meetings or the initial corridor study can be obtained from Michael Pope, P.E., NMSHTD Project Manager, PO Box 1149, Santa Fe, NM 87504, (505) 827-5122; or David Pennington, Parsons Brinckerhoff, 5801 Osuna Rd. N.E., Albuquerque, NM 87109, (505) 881-5357. Comments on the findings and recommendations of the initial corridor study should be sent to Parsons Brinckerhoff, Attention Northeast Corridor Study, no later than May 25, 2001. Persons with disabilities that require special accommodations for the meeting should direct their requests to Jessica Michel of Parsons Brinckerhoff at 881-5357 at least two days in advance of the meeting dates.

91830003

Patience O'Dowd (Chem Eng.) and
Wild Horse Observers Association
A non-profit corporation since 2004
Whoanm.org
PO Box 932
Placitas, NM 87043
505-610-7644

EXHIBIT 2

AFFIDAVIT

I Patience O'Dowd of Sandoval County, NM stayed after the Dec 10th 2024 Planning and Zoning meeting regarding the Lithium-Ion Battery Energy Cener meeting to hand in my public comment as I was not allowed to speak given the sign-up sheet was taken down at approximately 4:30 before 5PM or end of buisness.

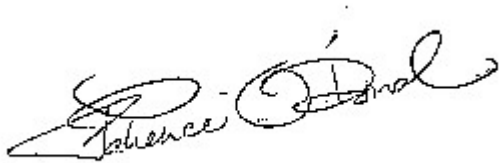
I recorded almost 100% of the meeting regarding the Diamond Tail zone change as well as the time change voted for sign up after this.

The reason I stayed was to ask Mr. **Todd LEBERGE** technical questions regarding which statutes he was relying on and Safety statutes lacking regarding an Lithium Ion Battery Energy Center. I will provide this/these tapes on line also and to the hearing in this case. During this conversation, he did not say he was an engineer, instead he stated he had some engineering in his background. He also stated he was working with the Santa Fe Fire Department.

The Planning and Zoning commission has ignored the will of the people as shown by the Placitas Wildlife Corridor Mural at the entrance to Placitas near I25 and have ignored the many polls of Placitans which are recorded on the WHOA website whoanm.org.

The Planning and Zoning commission has ignored the will of the people in the Placitas Area Plan with respect to the clear disapproval of a highway connecting Rt 14 and I25.

1/9/2024



Patience O'Dowd

EXHIBIT 3

AFFIDAVIT

I Liliana Gonzales-Pittman of Sandoval County NM do swear under penalty of perjury the following statements are true to the best of my knowledge.

I am trained and experienced Fire Science professional though recently retired (2016). Where there are quotes in this affidavit, I will provide the recordings of these statements all of which I have and will post online.

To: Sandoval County Public Regulations Committee

From: Liliana Gonzales-Pittman East Mountain Resident ie; La Madera Community and One of the descendants of the oldest Land Grants in the State of New Mexico of the Canon Del Agua San Pedro Land Grant

Date: January 8, 2025

Subject: My response and appeal

Sirs and Ma'ams,

My research has been extensive for you, and I have many recordings of my conversations and witnesses to my conversations I refer to in this letter.

I first met Mr. Mariano Brandi at the meeting October 8, 2024 held in your administration building in the town of Bernalillo, I gave him the respect of listening to him and your board on this evening and ultimately did comment when provided the opportunity all of this is recorded which you all have access too. End result was to literally find out that the majority of the people representing Sandoval County and calling themselves planning and zoning committee did not even know WHERE the location was of the project or WHAT the meeting was about. Therefore, it was granted a stay. During this meeting Mr. Mariano Brandi contractor for PCR Energy spoke and was asked questions by your board and it was unanimous that Sandoval County needed more time just to understand exactly where and what this meeting was about or the project it was referencing. This in itself was unacceptable to me as a Sandoval County tax payer and one of the many that is susceptible to its impacts of:

- 1.) This change from Agricultural zoning to Industrial zoning impacts the people and communities and ENVIRONMENT by causing air, water, and soil pollution through emissions of harmful and hazardous pollutants like greenhouse gases, chemicals, and particulate matter, leading to issues like climate change, acid rain, degradation of ecosystems, and harmful to HUMAN HEALTH.
- 2.) Water pollution, Soil Contamination, Climate Change, Biodiversity loss, Resource Depletion,
- 3.) This 'Lithium Ion Battery Energy Center' is one of the world's top ten most hazardous material toxic materials polluting industries
- 4.) ALL of these people attending your meetings have stated as much only to go on DEAF EARS and only to be MARGINALIZED in the process.

The end result of this meeting on October 8,2024 it was decided that more time was needed for your planning and zoning board to 'understand' the proposed project at hand. ALL of this and more was relayed to Sandoval County Planning and Zoning commissioners and was still IGNORED

Fast forward to Mr. Mariano Brandi and his PCR Energy Corporation meeting at Vista Grande Community Center on October 24 off La Madera Road: At this meeting I was very specific with my questions and input.

At this meeting I asked Mr. Brandi from PCR if he had an approved fire plan for his project and he said "Yes" his exact words "The Fire plan was ALREADY approved by the Sandoval County Fire Department" at this meeting the Representative of Santa Fe county district 22 Stefani Lord pointed out that FIRE CHIEF Joe Gober from the Sandoval

County Fire Department was in fact sitting in the audience and he could attest to the fact that the Fire Plan for this Contractor was approved. Joe Gober said "Yes it has been approved". This made no sense to me because with my extensive Fire Professional background I know that a Volunteer Fire Chief cannot simply approve a contractor's Fire Plan for his project in the state of New Mexico. I also asked at this meeting if there was a representative from the State OR a New Mexico Homeland Security representative at the meeting and the response was "No".

After this meeting I stayed afterward and spoke with Mr. Mariano Brandi and his liaison face to face and told him I was recording him they both agreed to the recording. I proceeded to ask him very specific questions about his fire plan, evacuation plan, safety plan and the specific codes referencing the constructing of his 'Lithium Ion battery storage facility' Mr. Brandi appeared uncomfortable, unknowledgeable and constraint in answering my questions. He then provided me with his phone number to which I called him and did speak with him at length. In my appeal I will provide dates and times and verbatim of verbiage about this communication with Mr. Mariano Brandi.

****Others and I have questioned at ALL the public meetings held for this 'Lithium Ion battery storage facility' project WHY this OUT of Country Contractor who spoke broken English and who did not have credentials was being considered as the contractor for this 1800 acre 'Lithium Ion Battery Storage Center' and why there was not a translator to translate what exactly he was saying when he spoke. ALL of this has gone on DEAF EARS of the Sandoval County Planning and zoning its commissioners and its own regulations. We as the people of the community have a right to know and understand the languages/words spoken by them to US. This in itself creates a serious lack of communication problem and is a MARGINALIZING discriminant.**

On October 30th and October 31st I called Sandoval County Fire Department. I asked for their CODE ENFORCEMENT division or person. Administration person Angela was and has been the only person I have spoken to there all others have failed to call me back after providing my contact information to 'Angela' on these dates and on my recording at 04:11 Angela says "No we do not have a Code Enforcement in this office." "The person who reviews fire plans is Deputy Chief Kissan" She also said "Plans Reviewer is at Sandoval County Planning and Zoning office, we do not have a Fire Protection Engineer or certified plans reviewer in the fire department, you would have to call Sandoval County planning and zoning". "You will have to talk to Deputy Chief Kassain only code person to talk to about codes"

On October 30, 2024 I contacted Mr. Beaman (Sandoval County Planning and Zoning) via phone. I asked Mr. Beaman if he had an FPE (Fire Protection Engineer) working out of the Sandoval county Planning and zoning office he said no. Mr. Beaman told me that when Fire plans are to be approved through planning and zoning they are sent to Eric Masterson at the Sandoval Cauty Fire Department and from there he does not know what the process for fire plans is. (Recording minutes 10:12)

On November 1, 2024 I spoke with Sandoval County planning and zoning assistant director Doraida at 24:24 on this date recording when asked if she was at the planning and zoning meeting for the 'Lithium Ion Battery Storage Facility' and she said "yes I was there". She said that Mr. Beaman would be the person to talk to with my questions and she was familiar with the project" (She was also cc'd on the email Mr. Beaman sent me October 31, 2024 at 11:06 a.m.) and informed of my wanting to speak with him. On this day and on this same phone call I told her Mr. Beaman was now calling me on the other phone line.

On phone call recording on November 1, 2024 after speaking with Assistant Director Doraida at 04:21 I told Mr. Beaman from planning and zoning I had spoken with Sandoval County Fire Department (Angela Admin) and was told to call planning and zoning because THEY (PNZ) approve the Fire plans Mr. Beaman said "I cannot speak for the Fire Department or how they approve their plans" (time 9:00 and at 10:12 in recorded conversation) Mr. Beaman also says "Commercial projects are circulated internally for plans review. WE DO NOT HAVE AN FPE (FIRE PROTECTION ENGINEER) approving plans out of our Planning and Zoning office". "As for the Fire Chief, I don't know how he's organized in his plans review" (11:00 on recording) When I asked Mr. Beaman "Who approved your fire plan and Emergency plan for this project?" Mr. Beaman responded "The Fire plan and Emergency plan were approved and project was reviewed and approved by Eric Masterson, these are preliminary designs and we're LIMITED ON RESOURCES to go through with this type of planning".

I called the Sandoval County Fire Department and to this day almost three months later no one has returned my calls from October 2024 to January 2025 I spoke with Admin Angela at Sandoval County Fire Department again and she told me that neither the Chief nor the Fire Inspector who approved fire plans and conducts plans reviews had phones or

phone numbers and that ALL calls had to go through her first she also told me that she delivered my messages October 30, 2024 Recording #5 04:11 and October 31, 2024 #6 04:52

On November 1, 2024 recordings 2 at 13:45 and Recording #3 13:45 I contacted Mr. Mariano Brandi via phone call and email on (November 1, 2024 @3:33 p.m and he cc'd Cynthia Mara Schuchner (Who AFTERWARD singled me out and looked and viewed me on my LinkedIn Profile) . After speaking with Mr. Brandi, it was evident that he had no knowledge of the Fire Codes I was referring to and was asking him about. He had no knowledge that he needed his project to be CLASSIFIED, nor did he know what the CLASSIFICATION was or that he needed an actual Fire Protection Engineer in the state of New Mexico to approve his Fire Plan, Classify and Certify it. When I asked him which codes he was referencing in his fire plan he told me that he had taken notes from my phone call and that he would get back with me, but he was not familiar with the fire codes. He never did call or email me back about the fire code questions I had for him. I emailed him again yesterday January 7, 2025 and have had no response. On November 1, 2024, Conversation with PCR Contractor Mariano Brandi via phone recording at 13:45 my question What codes are you referencing building your 'Lithium Ion Battery Storage Facility'? Mr. Brandi "Let me do more research" 03:45 "Let me check my engineers team" 02:45- 03:13 on recording. At 03:47 Mr. Brandi admits "I Do not have an FPE (Fire Protection Engineer)" neither did Sandoval County Fire Department OR Sandoval County PNZ so HOW can a fire plan of this magnitude be APPROVED WITHOUT CLASSIFYING it first much less LIED about and said by the contractor that the "Fire Plan has been APPROVED by the Sandoval County Fire Department" in his own words in front of all attendees.

At 04:20 thru 04:55 He also says he would need to "Do RESEARCH from OTHER PROJECTS to see what are the standards we need to comply with" ONLY PROVING This Contractor PCR Energy is not in compliance with New Mexico state standards, regulations or statutes relating to his 'Lithium Ion Battery Storage Facility' on November 1, 2024 AFTER Sandoval County Planning and Zoning approved a Zone change which these conversations are only proving Sandoval County Planning and Zoning, Sandoval County Fire department, the STATE of New Mexico has not VETTED this contractor, company, OR Classified this project in compliance with our OWN CID Building construction, Fire Planning, Emergency Planning protocols procedures or GUIDELINES yet it was PREMATURELY CHANGED from AGRICULTURE TO INDUSTRIAL specifically for this unlawful project.

On December 12,2024 Recording number 9 at 10:21 CID (Construction Industries Division) was contacted by me only to be told Mr. Todd LeBerge and PCR Energy were NOT LICENSED CONTRACTORS IN THE STATE OF NEW MEXICO

On December 12 2024, Recording number 8 at 00:57 and on January 8 on recordings numbers 4 (12:37) and Recording 5 (10:19) **PSI says they DO NOT HAVE A LICENSE for PCR ENERGY CONTRACTOR or Todd LEBERGE (FPE) Fire Protection Engineer in their licensing system**

On January 8, 2024 recording with Dwayne Jackson New Mexico State Code Enforcement to see if Todd LeBerge alias Fire Protection Engineer or Mr. Mariano B are Certified or licensed in the State of New Mexico as per CID, PSI OR RLD and the answer is **"No, I cannot find any licenses for the Fire Protection Engineer LeBerge or the Contractor for PCR Energy" Recordings and texts Recording numbers on January 8, 2024 Numbers 5 at 04:34 and number 7 at 14:12 In text from Dwayne Jackson on January 8,2024 he says " License number 29658 expired 12/21/2024 but his list does not show the registration so may be current. Out of Campbell CA (for Mr. Le Berge) but could not find anything on the NICET side either for Le Berge (all texts from Mr. Jackson are available for review)**

On Recording on January 8, 2024, at 05:35 with Aaron Garcia New Mexico State Fire Marshal office reiterating to him that this contractor and so called FPE is **not National Institute of Certified Engineering Technologies (NICET) certified** and not regulated by the State of New Mexico.

https://santafenm.gov/document_center/document/13446

When reviewing fire code plans with a NICET certification, the primary focus should be on ensuring the proposed fire protection systems comply with the relevant building codes (like NFPA standards), including proper design, layout, equipment selection, and installation details, while verifying the reviewer possesses the necessary NICET level of expertise to accurately assess the plans.

Mr. Garcia also says "Yeah you nailed it at (02:17.73 recording) On the State Fire Marshals side we don't regulate any of the general contractors so like you said with dealing with CID, New Mexico RLD, the local Fire Departments that's where their contacts are gonna be, those all become local municipalities" (03:27:48) "It falls back on the local municipalities to make those final determinations, we don't regulate the CID and general contractors through the Fire

Marshals office". He said he was going to talk with Eric Masterson, I told him that I tried contacting Eric Masterson to no avail. I expressed to him my concerns of lack of Fire Fighting resources, an out of the country contractor, ALL the RED FLAGS involved with this project and ESPECIALLY the FACT that the Mr. Mariano Brandi, PCR Energy, Todd LeBerge who he Mr. Brandi ultimately apparently hired (AFTER my phone call with him) and Sandoval Planning and Zoning Officials, and is now introducing him at his MEETING on December 10, 2024.

In this Sandoval County Planning and Zoning meeting which was lawfully RECORDED Your representative Mr. James D. Maduena SAYS and I Quote "THEY THINK THAT WE'RE GONNA CONDUCT THIS MEETING, AND AND READ ALL THIS INFORMATION, WELL ITS NOT GONNA HAPPEN, SO ITS NOT OUR FAULT, ITS NOT OUR FAULT, AND (WITH ARMS FLAILING) WE HAVE SCHEDULES, PROCEDURES, AND WE HAVE TO FOLLOW THEM" Well SIRS and MA'AMS this is a perfect example of our COUNTY AGAIN making EXCUSES for

- 1.) Fraud waste and abuse of government funds
- 2.) Lack of transparency
- 3.) Marginalization of our East Mountain Communities
- 4.) Lack of Professionalism
- 5.) Unlawfulness
- 6.) NOT FOLLOWING the laws, regulations, guidelines, procedures, policies, protocols,
- 7.) NOT UPHOLDING Your MISSION STATEMENT to

PROTECT our LIVELIHOODS and our RIGHTS to PEACEFUL ENJOYMENT of our PROPERTIES, by NOT ALLOWING INDUSTRIAL ZONING IN OUR EAST MOUNTAIN COMMUNITIES and doing EVERYTHING UNDER THE LAW TO STOP THIS 'LITHIUM ION BATTERY STORAGE FACILITY' to be built without Properly vetting the company, employees, ensure that CID, PSI, and ALL OTHER AGENCIES of the COUNTY and the STATE are constructing to our OWN LAWS and REGULATIONS.

TO ADD:

The contractor Mr. Mariano Brandi was also asked in recorded phone conversations about the MAINTENANCE AND TESTING of his facility to ENSURE the components in order to maintain were going to be readily accessible and available for this 'POWER GRID' that is solely for our State Government Offices in Santa Fe and our MILITARY AIR FORCE COMPOUND in Albuquerque Kirtland AFB to be EXACT only to be told that "he did not know, and it depends on which contractor and/or COUNTRY, China? Asia? Russia? Wherever the components compatible to this facility are made we would be at their mercy to be able to ensure this 'POWER GRID' could even AFTER COMPLETION and our MONEY used and wasted to build would even be feasible and could potentially be compromising our whole STATE!!! Again, Where's homeland security in this process and are they giving their blessings?! Does the Governor or New Mexico know this could compromise our states government administration?!

There are SO many RED FLAGS with this 'LITHIUM ION BATTERY STORAGE FACILITY' Contract, Contractor, Employees, Sandoval County Representatives, County Fire Department responsible for future safety and security measures who are not LEGALLY AUTHORIZED and are ILLEGALLY AUTHORIZING Individuals to basically do what they want and NOT FOLLOW regulations that just this bit of information submitted today should effectively put a complete HALT on this whole project and send it on its merry way to be built ELSEWHERE

The discrimination, marginalizing and open blatant lack of professionalism to include unlawfulness is my experience with this whole zone stance and changing from agriculture to industrial for this lithium ion battery energy storage compound or facility. People in my community do not have the time or resources that this Sandoval County planning and zoning committee requires to uncover the unethical, underlying and underhandedness involved in the voting process that approved this toxic, poisonous, hazardous materials monstrosity in the midst of our East Mountains. With the lack of transparency my questions, phone calls, emails, and promised information was untenable. With that it is not only incomprehensible that it should be approved but also inevitable that the means does not justify the ends.

*I have shared these recordings with Patience O'Dowd and I know she has heard these recordings.

Liliana Angelos-Pike 01/09/2024

Four horizontal lines for text entry.

Liliana Angelos-Pike 01/09/2024

[Handwritten signature]
Liliana Angelos-Pike

SIGNATURE:

DATE: 1/9/2025

INSTRUCTIONS: Submit the completed application to the Planning and Zoning Division office located at 1500 Idalia Rd, Bldg D, Bernalillo, NM. Each application must get accompanied by plats, sketches, checklists, fees, and other information as requested by the County Planning and Zoning Division.

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Application Received By:	Date
File Number:	Receipt Number: Fee:

REV Dec 2019