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Defenders of Wildlife Comments on SB 100 Implementation Workshop

Additional submitted attachment is included below.

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Submitted via electronic comment system

RE: Docket 21-SIT-01
Comments on June 2, 2021 SB 100 Implementation Workshop: Planning for SB 100 Resource Build

Introduction

Defenders of Wildlife (Defenders), we respectfully submit these comments in response to the June 2, 2021 Joint Agency Workshop on Next Steps to Plan for Senate Bill 100 Resource Build (Workshop). Defenders is committed to achieving a low carbon energy future, a future that centers on the health of California communities, our economy, and the environment. Over the last year, we have been pleased to see the Joint Agencies integrate land use considerations into the SB 100 planning process. Land use is a foundational issue in the efforts to move the state towards implementing the 100% zero-carbon energy goal and California's landscapes will have a central role in realizing this goal.

The achievement of the goals set forth under SB 100 will result in significant land conversion and development in California and the West. For example, under the high electrification scenario[1] shown in Slide 19 of the Modeling Results, we see that an average of 2.8 GW/year of solar and 0.9 GW/year of wind will need to be built each year to stay on track for 2045 goals. A back of the envelope calculation on the land use required each year suggests that it is on the order of ~36,500 acres for wind and ~22,100 acres for solar[2] each year for the next 25 years, resulting in more than a million acres of land needed.

[1] Slide 19, June 2, 2021, SB 100 Joint Agency Workshop Presentation available online: https://efiling.energy.ca.gov/GetDocument.aspx?tn=238078
[2] Grace C Wu et al 2020 Environ. Res. Lett. 15 074044, available online: https://iopscience.iop.org/article/10.1088/1748-9326/ab87d1/pdf

Recommendations

When one considers that California's entire development footprint (not including agriculture) is estimated at 6.28 million acres[3], it is clear that such a large and rapid conversion of land will require immediate attention to reduce the risks of unintended impact, conflict, and disputes to ensure timely build-out. The state has an opportunity to plan for and coordinate this effort and it must happen now. Accordingly, we offer the following observations and recommendations:

I. Aggressively implement Recommendations 3 and 4 of the Joint Agency Report[4] to identify land use impacts and opportunities to avoid or mitigate environmental impacts.

We have long supported and look forward to collaborating with Agency staff to develop tools to assess the total land area required to implement SB 100 and the potential areas across the state where new resources could be located. Recommendation 3 (pg. 134) in the Joint Agency Report rightly identifies that understanding how land use impacts vary across scenarios and assessing the relative environmental impacts in different areas are foundational to identifying strategies to avoid or mitigate environmental impacts and maximize environmental impact co-benefits. Planning tools for this type of analysis have languished in the past due to inadequate and inconsistent funding. We urge the Joint Agencies to prioritize and provide adequate, consistent funding to advance and maintain these planning tools and activities.

A substantial amount of the projected renewable energy development will occur on private lands. Successful utility-scale renewable energy development on private lands requires identifying and understanding the best locations for development that will not trigger community backlash or opposition from tribes, recreation organizations or conservation groups. While the state has invested in regional planning efforts in the desert and Southern San Joaquin Valley, those efforts have not significantly coordinated development on private lands. The state needs to invest further and lead regional planning in these locations. For example, with the Sustainable Groundwater Management Act (SGMA) implementation, there should be a considerable amount of marginal agricultural land coming out of production and available for renewable energy development. However, where those locations may be is currently only speculative because the entities in charge of implementing SGMA are not incentivized to identify those locations in a timeframe that lines up with transmission planning.

Landscape level planning efforts for renewable energy including the DRECP and the San Joaquin least conflict projects have benefited from land use technical workgroups that provided key insights on environmental setting, land use, impact analysis, and identification of least and high conflict lands.

[3] https://www.nrcs.usda.gov/Internet/NRCS_RCA/reports/nri_ca.html
[4] https://efiling.energy.ca.gov/EFiling/GetFile.aspx?tn=237167&DocumentContentId=70349

II. Prompt implementation of Recommendation 4 of the Joint Agency Report (pg. 134) to model and develop metrics for land use considerations is needed.

Incorporating land use in the modeling efforts is critical to understanding and planning different pathways to achieve the infrastructure necessary to address our climate and energy goals. Therefore, we recommend that the Joint Agencies promptly convene a similar land use technical workgroup for the SB 100 process to ensure that California's energy planning aligns with the areas of best promise for development. Identification of least conflict lands will enable local and regional jurisdictions, tribal governments, and stakeholders to plan for future development that can balance clean electric grid infrastructure needs while supporting efforts to restore, conserve, and strengthen natural and working lands. This planning in turn will facilitate timely development and address many of the concerns regarding bottlenecks as discussed in Recommendation 12 (pg. 137) in the Joint Agency Report.

An essential part of incorporating land use data is the consideration of cultural resources and sacred lands, and the consultation with Indigenous Peoples and marginalized communities. Therefore, we encourage the agencies to devote resources to consultation with underrepresented groups and tribes, and those most impacted by climate change, to best understand where conflicts may arise and where opportunities to ensure a just and equitable build out of infrastructure are available.

III. A whole of government approach and a land use planning track must be immediately incorporated into the Joint Agencies' SB 100 implementation process.

SB 100 requires unprecedented builds of wind and solar resources each year through midcentury. Accordingly, every year will be critical to achieving the targets in the statute. Increased attention and agency coordination is urgently needed during the next nine years to ensure that California's pursuit of its clean energy goals does not undermine its natural resource and climate goals.[5] A land use track in this proceeding must include relevant agencies, like the California Natural Resources Agency, the Governor's Office of Planning and Research (OPR), and the Department of Fish and Wildlife, to ensure consistency in state goals.

The Joint Agencies should immediately convene quarterly workshops that focus on renewable energy infrastructure build-out, transmission and land use, consultation with communities, cultural and biodiversity values, permitting processes, and spatial approaches to reduced air pollution. These issue areas are consistent with statutory language and are a key part of meeting the goals in the statute.

[5] e.g. Governor Newsom's Executive Order N-82-20 that sets a state goal to conserve 30 percent of the state's lands and waters by 2030 and identify and implement near- and long-term actions to accelerate natural removal of carbon and build climate resilience in our forests, wetlands, urban greenspaces, agricultural soils, and land conservation activities.

A dedicated land use track within the SB 100 proceeding would support informed decision-making, advance strategies that fit community needs, and accelerate renewable energy development. Land use should be prioritized as its own track within this proceeding, given the critical role it plays in this process. These workshops should present the land use and environmental planning data and modeling under development to support SB 100 decision-making and implementation. This would allow stakeholders to understand planning progress, what issues have been identified, and what potential solutions may be available to implement projects within the areas identified as lower conflict.

IV. Prioritize the development of renewable resources in low impact areas, to accelerate permitting timelines and lower overall project costs.

Project failure is a significant concern in meeting SB 100 goals, and one only needs to look at projects that have failed due to siting conflicts with natural resources or litigation, or both. For example, the Calico Solar Project and Silurian Valley Solar Project failed due to significant conflicts over natural resources. The Panoche Solar Project had to be reduced by 50% to address serious endangered species issues. Other efforts to develop in the Daggett Triangle and Lucerne Valley in the desert have failed due to strong community opposition. Siting a utility-scale project that conflicts with high value natural resources such as endangered species and their habitats are very likely to result in increased permitting uncertainty, increased mitigation costs, project development delays, litigation, and/or project failure. Avoiding and minimizing conflicts with high value natural, agricultural, and cultural resources is the simplest and most cost-effective way to minimize project failure. Further, working with communities to address their concerns is important to avoid local opposition to projects.

Recommendation 12 (pg. 137) in the Joint Agency Report addresses the need to "identify and address bottlenecks in project permitting and development." Implementation of Recommendations 3 and 4 (pg. 134) will provide the foundation for resolving project development "bottlenecks" addressed in Recommendation 12. As a first step to achieve this goal, we urge the agencies, working with local government and communities, to implement a process that identifies the lowest-impact areas and then drive the development of renewable energy there first. As we have stated in previous comments, research by The Nature Conservancy suggests that permitting timelines are faster in low-impact areas, eliminating some of the bottlenecks that go along with the development of utility scale projects.[6]

Building upon the CAEIPA and prior planning efforts such as the DRECP and the work in the San Joaquin Valley, the CEC, CPUC, CAISO, and OPR should jointly implement statewide comprehensive mapping and planning to identify appropriate least-conflict locations for energy

[6] Stephanie Dashiell, Mark Buckley, Dustin Mulvaney, *Green Light Study: Economic and Conservation Benefits of Low-Impact Solar Siting in California* available online: https://www.scienceforconservation.org/products/green-light-study

development based on energy resources, biological resources, agricultural lands, cultural resources and land uses. Consideration should be given to developing a uniform environmental review and permitting process that would be required for utility scale renewable energy projects developed on private lands in California. OPR should be tasked with collaborating with cities and counties to develop the uniform environmental review and permitting process within the next two years. Each local jurisdiction would then be required to follow the process. OPR must be given sufficient funding to develop and promulgate the process.

V. Establish a Transmission Technical Working Group to ensure transmission planning is consistent with goals set forth in SB 100.

The lack of transmission capacity to support responsibly sited renewable energy development and deployment of distributed generation needs a dedicated approach by the CPUC, CEC, and CAISO to prioritize transmission development to serve those areas. Effective implementation of Recommendations 3, 4, and 12 can only occur if transmission planning is fully integrated. California cannot balance clean electric grid infrastructure needs with efforts to restore, conserve, and strengthen natural and working lands unless transmission is planned to support and prioritize energy development sited in locations that avoid or minimize impacts to natural and working lands.

We strongly urge the Joint Agencies to establish a transmission technical advisory group promptly. This is similar to the recommendation from the Preliminary Root Cause Report[7] for the mid-August heat storm outages that states:

> *"Building on the Senate Bill (SB) 100 (De Leon, 2018 scenarios, consider where diverse resources can be built and the transmission and land use considerations that must be taken into account. Establish a transmission technical working group (CAISO, Bas, CEC, CPUC) to evaluate the transmission options and constraints from the SB 100 scenarios."*

We are disappointed the final Joint Agency Report did not include a parallel recommendation to establish a transmission technical working group. This effort should be undertaken as soon as possible to ensure that California's transmission decisions are aligning with the areas of best promise for renewable energy development.

Conclusion

Thank you for the opportunity to provide comments on the Workshop and the next steps to plan and implement the SB 100 resource build. We deeply appreciate the Joint Agencies and their staffs' time at the workshops and their hard work on moving forward with implementing the requirements

[7] http://www.caiso.com/Documents/Preliminary-Root-Cause-Analysis-Rotating-Outages-August-2020.pdf at pg. 68

of SB 100. We look forward to actively participating in the implementation of SB 100. Please contact Kate Kelly at kate@kgconsulting.net with any questions.

Sincerely,

Pamela Flick
Defenders of Wildlife
California Program Director