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**Comments of the Union of Concerned Scientists on the SB 100  
Report Land Use Workshop**

*Additional submitted attachment is included below.*

February 15, 2024

California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814-5512

Docket 23-SB-100  
*Submitted via electronic comment system*

**RE: Comments of the Union of Concerned Scientists on the SB 100 Report Land Use Workshop**

The Union of Concerned Scientists ("UCS") appreciates the opportunity to submit these comments on the SB 100 Report Land Use Workshop, conducted on February 01, 2024.

UCS thanks the California Energy Commission ("CEC"), California Public Utilities Commission ("CPUC"), and California Air Resources Board ("CARB") for their leadership in crafting the SB 100 Joint Agency Report, and for all the hard work that has gone into the February workshop.

In these comments, UCS offers three pieces of feedback, which are summarized below:

1. UCS discusses the lack of clarity on regulatory and policy structures affecting land conversion to clean energy. UCS recommends increasing state-level guidance to improve local government capacity and legal clarity for clean energy projects to encourage SB 100 implementation.
2. UCS recommends consideration of additional resources that reduce the land needed for large-scale infrastructure, such as demand-side resources and transmission upgrades. UCS agrees with the current resources under consideration, and specifically supports the inclusion of Environmental Justice and Equity resources in SB 100 modeling. UCS recommends more clarity on the decision-making process for which criteria will be selected and to what extent they will be used in the modeling.
3. UCS appreciates the joint agencies' organization of the Perspective from California Native American Tribes Panel and thanks the tribal representatives for sharing their insights. UCS supports continued tribal representation in the SB 100 planning process and additional tribal representatives in future SB 100 report workshops.

In response to the joint agencies' question 1 (What are the land-use-related challenges to SB 100 implementation?), UCS believes the lack of clarity and inefficiency on certain regulatory and policy structures affecting land use and land conversion to renewable energy at the local government level will be a challenge for SB 100 implementation. Some specific examples of this include:

- The Williamson Act is open to interpretation by cities and counties as to whether solar generating facilities and other clean energy alternatives like batteries can be

developed on land under a Williamson Act<sup>1</sup> contract. There is often no guidance in county codes, adding uncertainty to clean energy planning at local levels.

- Retired agricultural land in areas under the Sustainable Groundwater Management Act could provide opportunities for clean energy with fewer land use conflicts, but more guidance is needed on the pathways for potential land conversion.

Clear local government land use plans are important for informing SB 100 planning and providing insights into the feasibility of SB 100 implementation. Clarifying codes and providing guidance for local governments can improve these planning processes and contribute towards multiple state resource goals that affect land use.

In response to the joint agencies' question 3 (Do you agree with staff's resources under consideration?), UCS recommends additional considerations of the role of demand-side resources, distributed resources, regional cooperation, transmission upgrades, and grid-enhancing technologies that would reduce the amount of land needed for large-scale clean energy infrastructure. UCS notes this is related to the second proposed goal in the land use workshop (explore opportunities to reduce environmental and land use impacts), and aligns with the state's conservation efforts, such as 30x30.

UCS supports the listed resources for consideration, and specifically would like to support the inclusion of Environmental Justice and Equity inputs for SB 100 modeling through stronger local-level feedback around land use preferences, particularly in disadvantaged communities. As the resources are only listed as considerations as of now, UCS requests further clarity on the decision-making process for determining which of these resources will inform the methodology and to what extent they will be used to inform modeling methods.

Third, UCS thanks the joint agencies for organizing the Perspective from California Native American Tribes Panel and thanks the tribal representatives for taking the time to share their insights on land use and renewable energy. Tribal priorities and concerns about the land use needed for the clean energy transition is critical for informing SB 100 planning and implementation. The tribal concerns expressed in the panel around offshore wind suggest additional actions are needed for increased transparency and engagement between the tribes, state and federal agencies, developers, and communities, which will be important for continued SB 100 progress. UCS supports continued engagement with California's tribes throughout the SB 100 report process, while ensuring that tribal priority issues are made public and accessible to inform the implementation of SB 100.

UCS looks forward to further participation in SB 100 implementation, and we thank the CEC, CPUC, and CARB for their consideration of these comments.

Sincerely,

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<sup>1</sup> Department of Conservation, *Solar Power and the Williamson Act* (2023). Available at: <https://www.conservation.ca.gov/dlrp/wa/Documents/lrcc/WA%20Solar%20Power%202023.pdf>