

## DOCKETED

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**Comments of Defenders of Wildlife on the Draft 2016 Integrated Energy Policy Report Update (CEC-100-2016-003-CMD)**

*Additional submitted attachment is included below.*



To: California Energy Commission  
Dockets Office, MS-4  
Docket No. 16-IEPR-03  
1516 Ninth Street  
Sacramento, CA 95814-5512  
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From: Kim Delfino, Defenders of Wildlife

Date: November 7, 2016

Subject: Comments of Defenders of Wildlife on the *Draft 2016 Integrated Energy Policy Report Update (CEC-100-2016-003-CMD)*

Docket Number: 16-IEPR-01

Defenders of Wildlife works towards protection of ecosystems, landscapes and species while supporting the timely development of renewable energy resources in California. Achieving a low carbon energy future is critical for California – for our economy, our communities and the environment. Achieving this future—and *how* we achieve it—is critical for protecting California’s internationally treasured landscapes, productive farmlands, and diverse habitats. We appreciate the efforts of California Energy Commission (CEC) staff to gather the information through the Integrated Energy Policy process and develop policies to guide a sustainable energy future. Defenders of Wildlife respectfully submits the following comments to the CEC on the *Draft 2016 Integrated Energy Policy Report Update (draft IEPR Update)*.

## Comments

The draft IEPR Update correctly notes that renewable energy generation development in the past decade has clearly resulted in substantive impacts to multiple habitats and suites of species. However, the draft IEPR Update overstates that efficacy of mitigation for these impacts. While mitigation is both legally and ethically required, in the end it does not fully offset impacts and is a net loss proposition. Moreover, impacts are largely avoidable with landscape level planning and smart siting. Moving forward we will continue to advocate for low conflict, least regrets renewable energy generation and transmission siting and design. Such siting would actively avoid sensitive locations and destructive practices, and reduce the impacts to landscapes, habitats, and species. This in turn would dramatically reduce mitigation requirements and costs, and project development costs. We recommend establishment of policies that make impact avoidance the first priority in the mitigation

hierarchy. Landscape-scale planning is key to impact avoidance and we strongly support its inclusion in the IEPR policies.

## **RETI 2.0**

We are troubled by the characterization and inclusion of the Renewable Energy Transmission Initiative 2.0 (RETI 2.0) as a landscape-scale planning process. While the original objective of the RETI 2.0 Environmental and Land Use Technical Group was to identify land use and environmental opportunities, constraints, and implications to accessing (high-value renewable) resources that need transmission.<sup>1</sup> This analysis was never conducted. It is imperative that the IEPR Update does not imply that land use and/or environmental analysis were completed by RETI 2.0. RETI 2.0 cannot and must not be characterized as containing environmental analysis or including landscape-scale planning.

The RETI 2.0 planning process has defined new Transmission Assessment Focal Areas (TAFAs) and Project Concentration Areas (PCAs) as spatial areas for potential siting of renewable generating facilities. It is very troubling that many of the TAFAs and PCAs are inconsistent with geographic areas identified in final regional, state, or federal landscape-scale planning processes as areas available or not available for renewable energy development. For example, the PCAs in the San Joaquin Valley are not consistent with the areas identified as “least conflict” in the “Solar and the San Joaquin Valley Identification of Least-Conflict Lands Project” report<sup>2</sup>. In the California desert, a substantial amount of the DRECP Phase I Development Focus Areas (DFAs) are inexplicably not included in the PCAs. Equally troubling, the PCAs either envelop or are contiguous to areas that are not available for development. For example, some PCAs are located on top of existing incorporated cities (e.g., City of Woodland) and some PCAs overlap with conservation areas on public land in which renewable energy development is prohibited (e.g., conservation designations within the DRECP Phase I Land Use Plan Amendment). Therefore, since RETI 2.0, in its current state, does not include land use or environmental analysis and had identified potential development areas that are inconsistent with the other landscape-scale planning efforts in California, it should not be characterized as a landscape-scale planning process.

Additionally, the draft IEPR Update briefly contemplates developing “right-sizing” policies for transmission as informed by RETI 2.0.<sup>3</sup> However, a review of the RETI Transmission Technical Input Group’s *Transmission Capability and Requirements Report*<sup>4</sup> does not find discussion or recommendations related to right-sizing of transmission infrastructure.

Given the lack of landscape-scale planning or environmental analysis that has occurred in the RETI 2.0 process and its fundamental disconnect with other established landscape-scale planning

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<sup>1</sup> Turner, B. (2016) *Plenary Group Meeting on Long-Term Renewable Scenarios and Transmission Assessment Focus Areas*, slides 3-4. [PowerPoint Presentation].

<sup>2</sup> May 2016. *A Path Forward: Identifying Least-Conflict Solar PV Development in California’s San Joaquin Valley*. Conservation Biology Institute and Center for Law, Energy & the Environment (CLEE), University of California, UC Berkeley School of Law, CA

<sup>3</sup> California Energy Commission Staff. 2016. *Draft 2016 Integrated Energy Policy Report Update*. California Energy Commission. Publication Number: CEC-100-2016-003-CMD. Page 57

<sup>4</sup> Renewable Energy Transmission Initiative 2.0 Transmission Technical Input Group 2016. *Transmission Capability and Requirements Report*

processes, we recommend that reference to RETI 2.0 be deleted from the IEPR Update or, if RETI 2.0 is to be referenced in the IEPR, that it is correctly described as a process that identified areas with commercial interest and transmission availability, but did not include any land use or environmental analysis to indicate whether or not the TAFAs or PCAs are available for development consistent with land use and environmental constraints.

### **Spatial Data**

The RETI 2.0 process has underscored the importance of including spatial land use data in generation and transmission modeling and planning. We recommend that the IEPR Update explicitly document this finding. We recommend that Data Basin or a similarly robust and accessible tool be used as a central platform for aggregating spatial data associated with renewable energy planning.

### **Best Management Practices for Renewable Energy Development**

Because a substantial number of utility scale renewable projects have been developed and are in operation, we now have a body of experience and lessons learned on success and effectiveness of the mitigation techniques used in the development of these projects. Data gathered from research and monitoring of projects during their construction and operation must be evaluated and made publically available to both understand how species and habitats react to energy development and to allow informed decision making. We support and encourage updating *Best Management Practices and Guidance Manual: Desert Renewable Energy Projects* with the inclusion of the data gathered in recent years to better guide the environmental review, permitting, development, and decommission process. Updates to the best management practices must include strategies on how to achieve multiple environmental and land use benefits from renewable energy development.

### **Recommendations**

We support the recommended Environmental Performance of the Electricity Generation System Policies in Chapter 1 with the following modifications:

#### **Best Management Practices**

The wealth of new information gleaned from the development and operation of renewable energy projects in recent years must leveraged to update best management practices with science driven approaches to minimize and avoid impacts associated with renewable energy development. We request the following revision to the proposed policy:

***The Energy Commission, in coordination with other state and Federal agencies, should update the Best Management Practices Manual (BMP Manual) to incorporate information from lessons learned over the last 10+ years by developers and the agencies permitting renewable energy facilities. Since the BMP Manual was published by the Renewable Energy Action Team (REAT) agencies in 2010, project developers, state and***

*local agencies have learned a great deal from their work on siting and permitting renewable energy facilities. New research into the potential environmental impacts from renewable energy development and transmission, and how to best avoid, minimize, or mitigate these impacts ~~should~~ must be evaluated. Furthermore, recommendations for BMPs using the research results should be developed and considered for inclusion in an updated BMP Manual. As the BMP Manual is revised, REAT agencies should also work with renewable energy project developers, agencies, and stakeholders to identify new and creative ways that renewable energy plants of all technology types can be designed, built, and operated in a manner most compatible with species ~~and the~~ existing and adjacent land uses, including agricultural lands and species habitat. This work and resulting design BMPs would help ensure that there is even a greater minimization of environmental effects at renewable energy plants and recognition of the potential environmental benefit that could be achieved with appropriate deployment of compatible technologies and plant designs.*<sup>5</sup>

### **Integration of Environmental and Transmission Alternatives**

As discussed above, RETI 2.0 did not perform land use and environmental analysis and should not be included as basis of information for environmental alternatives to inform energy planning activities, support decision making, or integrate information in transmission planning decisions. We request the following revision to the proposed policy:

*~~The state should enhance~~ **Enhance** transmission planning decisions by integrating environmental and transmission alternatives into the 2017 IEPR process. The state ~~should collect~~ will integrate information gathered and produced from energy planning efforts, including DRECP, San Joaquin Valley Identification of Least Conflict Lands, and Renewable Energy Transmission Initiative (RETI), ~~and Renewable Energy Transmission Initiative 2.0 (RETI 2.0)~~, in the 2017 IEPR process to inform energy planning activities, support robust decision making, and better integrate environmental and alternative information in transmission planning decisions.*<sup>6</sup>

### **Expedited Permitting for High Priority Transmission Projects**

We support expedited permitting for smartly sited high priority transmission projects which would support and serve smart from the start renewable energy development located in areas clearly identified as “least conflict” through planning process. We suggest the following revisions to clarify the intent of the proposed policy:

***Expedite permitting of the highest priority transmission projects.** State agencies should better align processes and increase efficiencies to provide for faster permitting of the highest priority transmission, (for example, projects with an anticipated ability to deliver clean energy to market) projects that are sited to avoid and minimize impacts to sensitive resources. Permitting time for these projects should not exceed three years.*<sup>7</sup>

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<sup>5</sup> California Energy Commission Staff. 2016. *Draft 2016 Integrated Energy Policy Report Update*. California Energy Commission. Publication Number: CEC-100-2016-003-CMD. Page 75

<sup>6</sup> California Energy Commission Staff. 2016. *Draft 2016 Integrated Energy Policy Report Update*. California Energy Commission. Publication Number: CEC-100-2016-003-CMD. Page 76

<sup>7</sup> Ibid

## Conclusion

Defenders of Wildlife appreciates the opportunity to comment on the *Draft 2016 Integrated Energy Policy Report Update*. The recommended policies are important steps to a sustainable energy future. We look forward to continued participation in the proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Delfino", with a long horizontal flourish extending to the right.

Kim Delfino  
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Defenders of Wildlife  
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