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Defenders of Wildlife's Comments on 2017 IEPR Scoping Order

Additional submitted attachment is included below.



To: California Energy Commission
Dockets Office, MS-4
Docket No. 17-IEPR-01
1516 Ninth Street
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From: Kim Delfino, Defenders of Wildlife

Date: January 25, 2017

Subject: Comments of Defenders of Wildlife *Draft 2017 Integrated Energy Policy Report Scoping Order*

Docket Number: 17-IEPR-01

Defenders of Wildlife (Defenders) respectfully submits these comments on the *Draft 2017 Integrated Energy Policy Report Update (IEPR) Scoping Order* (Scoping Order) to the California Energy Commission.

Defenders, on behalf of our nearly one million members and supporters, works towards protection of wildlife, ecosystems, and landscapes 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 wildlife, landscapes, productive farmlands, and diverse habitats.

Defenders strongly supports leveraging analytical tools for landscape scale analysis, the implementation of the Desert Renewable Energy Conservation Plan (DRECP), and facilitating local government efforts for renewable energy planning. We appreciate that these were included in previous IEPRs.

I. Comments

We offer the following comments on the Scoping Order for the 2017 IEPR, which are limited to four topics.

1. Implementation of SB 350 including the provisions of SB 1386.

We strongly support the implementation of SB 350 and appreciate the Commission's efforts. On September 23, 2016 SB 1386 was signed into law. SB 1386 rightly identifies the conservation and management of natural and working lands as a key strategy to meet greenhouse gas emissions reduction goals. The protection of natural and working lands is an important strategy in meeting the state's greenhouse gas emissions reduction goals and is now state policy.

SEC. 2. Section 9001.5 is added to the Public Resources Code, to read:

9001.5. (a) It is the policy of the state that the protection and management of natural and working lands is an important strategy in meeting the state's greenhouse gas emissions reduction goals. The protection and management of those lands can result in the removal of carbon from the atmosphere and the sequestration of carbon in, above, and below the ground.

(b) The protection and management of natural and working lands provides multiple public benefits, including, but not limited to, assisting with adaptation to the impacts of climate change, improving water quality and quantity, flood protection, ensuring healthy fish and wildlife populations, and providing recreational and economic benefits.

(c) All state agencies, including, but not limited to, the Natural Resources Agency, the Department of Food and Agriculture, and the California Environmental Protection Agency, and their respective departments, boards, and commissions, shall consider the policy set forth in this section when revising, adopting, or establishing policies, regulations, expenditures, or grant criteria relating to the protection and management of natural and working lands. State agencies shall implement this requirement in conjunction with the state's other strategies to meet its greenhouse gas emissions reduction goals and with the intent to, among other things, promote the cooperation of owners of natural and working lands.¹

¹ California Senate Bill 1386. September 23, 2016

We recommend that the Commission identify and track compliance with SB 1386 as part of its consideration of SB 350 implementation. This is particularly important as the Commission has jurisdiction over the municipal utilities' IRPs. In order to gain approval, the Integrated Resource Plans submitted by the utilities should be required to show how their plans comply with SB1386. Ideally geospatial data would be included in the municipal utilities' IRP submissions.

2. Develop Electricity Demand Forecast: Long-term hourly demand forecasting provides multiple benefits and should be facilitated.

Long-term hourly demand forecasting is long overdue and will provide the granular forecasting necessary to better plan for and meet the needs of the electrical system while allowing better understanding of how much generation and transmission development is truly needed to support California's renewable energy future. We support the Commission's work on this refinement.

There are many variables that affect the hourly demand, as correctly identified in the scoping order. These variables include the following: increases in intermittent renewable energy required by SB350, reductions in demand due to behind-the-meter PV, increases in demand due to electrification of transportation, and changes in demand profiles due to energy efficiency and demand response. All these variables combined cause significant uncertainty in long term annual forecasts. There is a need to narrow the range of scenarios that are considered in the state's planning proceedings, in order to support timely planning decisions, and long term investments, especially in transmission. The development of hourly demand forecasts will be a significant step forward.

The CPUC is developing hourly forecasts for the Resolve model work that is underlying the IRP proceeding. However, the hourly forecasts that will be used for the IRP proceeding are currently proposed to be seasonal, single-day snapshots, instead of an entire year of hourly demand values. If the IEPR produces an entire year of locational hourly demand estimates, this data could then be considered for use in future IRP cycles, increasing the certainty and granularity of the planning process, and enabling more focused, strategic grid reliability investments.

3. Strategic Transmission Investment Plan (STIP): Development of policies to direct transmission to support development of renewable energy in least-regrets areas identified via landscape-scale planning.

Ideally, sustainable planning for renewable energy would first review availability of existing transmission lines and the potential to add new lines on existing towers. Those opportunities, where available, should then be aligned with least-regrets areas identified through landscape scale planning. The Scoping Order indicates that *2017 IEPR* will include an update of the STIP that will build on the RETI 2.0 process.² While we strongly support landscape-scale planning, we have concerns with the content of the December 16, 2017 *draft RETI 2.0 Plenary Report*. This report is currently under revision to address, in part, requests that the report clarify how environmental and land use data was used and the viability of some of the transmission analysis focus areas for renewable energy development. Comments from the Conservation Organizations are attached. As currently drafted the environmental conclusions in the report are too preliminary for a starting point for the STIP update. The RETI report recommends significant future work to improve the environmental and land use tools and data for transmission planning. We are hopeful the final Plenary Report will be revised to clarify that significant environmental and land use analysis remains to be conducted and to include realistic generation and transmission information for the transmission assessment focal areas.

We are very supportive of the Commission's inclusion of landscape-scale planning efforts, tools, and data and western regional planning activities in the STIP update. We encourage the development of policies and actions that prioritize renewable energy generation in least-regret areas identified through publicly reviewed and adopted landscape-scale planning processes. Providing transmission to least-regret zones identified by landscape-scale planning is a key incentive for renewable energy development and facilitates the long term implementation of these plans, creating favorable conditions to support wise investments.

We strongly believe in the importance of a California energy future that uses landscape-scale planning to *first* identify preferred areas of least-regret for generation development and then strategically plans transmission investments to these areas for

² Notice of Request for Public Comments on the Scoping Order for the 2017 Integrated Energy Policy Report. January 11, 2017. Pg. 6

timely development and delivery of renewable energy. In this paradigm, the evaluation of needed transmission would consider the feasible buildout of consensus generation areas as the guide for transmission proposals, together with need to protect and manage natural and working lands.

4. Landscape-scale Planning: Implement the Desert Renewable Energy Conservation Plan (DRECP) and leverage analytical tools to conduct further landscape-scale analysis for renewable energy planning.

We urge continuing the analysis begun in the *2014 IEPR Update* on using landscape scale analysis for transmission planning. As the Joint Conservation Organizations noted in comments³ to the *2014 IEPR Update*, landscape-scale planning for biodiversity conservation and renewable energy can serve as a roadmap for planning renewable energy and related transmission development needs.

Previous IEPRs have recommended landscape-scale planning efforts for renewable energy development. We reiterate our support for the implementation of the DRECP and for other landscape-scale planning efforts for renewable energy development and urge the Commission to include a discussion of the December 12, 2016 Memorandum of Understanding (MOU) between the Department of the Interior and the State of California on renewable energy (attached). The MOU contains a number of objectives that the parties shall work cooperatively to achieve including:

“Continue partnership and commitment to leverage the analytical approaches and tools developed by the REAT agencies for implementation of the DRECP to advance collaborative planning, conservation and climate adaptation efforts through data sharing, development and utilization of common data platforms and tools, and proactive stakeholder engagement.”⁴

As a party to the MOU the Commission is uniquely suited to use its convening power to continue to build upon the momentum of these planning efforts with the *2017 IEPR*.

³ Joint Conservation Parties. *Comments to the Lead Commissioner Workshop on Integrating Environmental Information in Renewable Energy Planning Processes (August 5, 2014)*. August 19, 2014.

⁴ Memorandum of Understanding between the Department of the Interior and the State of California on Renewable Energy. December 12, 2016. Pg. 6

II. Conclusion

Defenders of Wildlife appreciates the opportunity to comment on the *Draft 2017 IEPR Update Scoping Order* and recommend that the Commission draft the scope with the inclusion of the aforementioned recommendations. We look forward to continued participation in the proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Delfino", with a stylized flourish at the end.

Kim Delfino
California Program Director
Defenders of Wildlife
kdelfino@defenders.org

CC: Heather Raitt by email (Heather.Raitt@energy.ca.gov)

Attachments:

Conservation Organizations' Comments on Draft RETI 2.0 Plenary Report.
January 10, 2017
Memorandum of Understanding between the Department of the Interior and the
State of California on Renewable Energy. December 12, 2016



January 10, 2017

Dockets Unit
California Energy Commission
Docket No. 15-RETI-02
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.ca.gov

RE: Comments to Renewable Energy Transmission Initiative (RETI) 2.0 Plenary Report –
Public Review Draft

Docket Number: 15-RETI-02

Dear RETI 2.0 Leadership Team:

Our organizations strongly support the objective of the Renewable Energy Transmission Initiative (RETI) 2.0 to explore new transmission to meet the needs of an increasingly carbon free California economy. We appreciate the progress that RETI 2.0 made in aggregating existing environmental, transmission, and renewable resource data from across multiple studies, regulatory planning processes, and regulatory proceedings. This initiative has provided valuable insights that have been captured in the RETI 2.0 Plenary Report public review draft (Plenary Report). As requested at the January 3, 2017 workshop, we are writing to provide our feedback on the environmental recommendations. While this letter is intentionally limited in scope, we continue to have unaddressed concerns with other aspects of the RETI 2.0 process, as highlighted in our letter submitted on November 14, 2016 (Attachment C).

1. Revise the description of the work and accomplishments of the environmental track of the Environmental and Land Use Technical Group (ELUTG) in the Plenary Report to avoid confusion about what the ELUTG accomplished.

The Plenary Report’s description of the work and accomplishments of the environmental track of the ELUTG must be amended in the final report.

The primary work of the environmental track of the ELUTG consisted of identifying the spatial data relevant to the RETI 2.0 planning exercise, evaluating data completeness, identifying data gaps, and determining next steps to fill data gaps and build on existing data¹. These primary objectives are an important pillar of the RETI 2.0 process and have value in supporting statewide greenhouse gas reduction and renewable energy goals.

Our concern is that the description of the environmental track of the ELUTG in the Plenary Report, as currently written, could be interpreted to include work and accomplishments that extend far beyond the scope of what was completed during the RETI 2.0 process.

Specifically, the work and accomplishments of the ELUTG are **at risk** of being construed as an *assessment* of the environmental impacts of developing and delivering renewable energy from different areas². The potential impacts and “implications” of generation development and transmission mitigation options³ were not analyzed by the ELUTG.

The use of the word “assessment” implies that there was an analysis of an action or proposal (e.g., a hypothetical study range of renewable resources, a hypothetical transmission mitigation option) against the environmental data that was assembled. The subsequent use of the word “implications” implies that a conclusion was drawn about the

¹ Flint, Scott, Eli Harland, Misa Milliron, Gabriel Roark. 2016. *Environmental and Land Use Information to Support the Renewable Energy Transmission Initiative 2.0 Process*. California Energy Commission. Publication Number: CEC-700-2016-007. Page 2.

² Page 2 of the RETI 2.0 Plenary Report states that RETI 2.0 is: “An assessment of...**environmental implications** and options for developing and delivering renewable energy from different areas.” (emphasis added)

³ “Mitigation options include new transmission, advanced technologies and non-wire alternatives, and operational efficiencies.” California Natural Resources Agency. (2016). Page 39.

environmental consequences of the action or proposal (e.g., a hypothetical study range of renewable resources, a hypothetical transmission mitigation option). This was not the case.

What the environmental track of the ELUTG *did do* is recommend environmental and land use spatial data, both statewide and regional data relevant to the Transmission Assessment Focus Areas (TAFAs), that is suitable for consideration during high-level generation and transmission planning. These data helped provide context about the environmental setting within the TAFAs, but as noted in the Plenary Report, these data do not provide a comprehensive accounting⁴ of environmental and land use considerations, resources, or issues. Additionally, while these data have value for planning purposes they are not intended to substitute for more detailed California Environmental Quality Act or National Environmental Policy Act review.

In fact, the descriptions of the ELUTG objectives in the Plenary Report differ from the description in the final ELUTG Report. Furthermore, the description of the ELUTG objectives varies within the Plenary Report, with multiple different characterizations of the work that was completed⁵. To resolve, we recommend the RETI 2.0 team adopt the redline edits in Attachment A to this letter, which aim to make the description of the ELUTG consistent across reports.

These edits are essential. The language used in the Plenary Report as currently drafted risks that the findings may be interpreted to mean that the geographic areas (e.g., TAFAs) and transmission mitigation options identified have completed an “environmental assessment” that has resulted in identification of environmental and land use “implications.” There is also a risk that these TAFAs and transmission mitigation options may be viewed as sanctioned or pre-approved for generation and transmission siting. This is not the case and should be clearly stated.

⁴ California Natural Resources Agency. 2016. *Renewable Energy Transmission Initiative 2.0 Plenary Report Public Review Draft*. Appendix A, TAFAs, page A-1.

⁵ California Natural Resources Agency. 2016. *Renewable Energy Transmission Initiative 2.0 Plenary Report Public Review Draft*. See pages 1, 2, 3, 10, 29, and 54.

We appreciate that the RETI 2.0 leadership team has actively sought to bring clarity to what RETI 2.0 *is* and *is not*, as clearly outlined in the Plenary Report⁶ and webinar. It is important that this clarity extend to the role, work, and accomplishments of the ELUTG. Therefore, we recommend that RETI 2.0 leadership adopt the redline edits in Attachment A to mitigate the aforementioned risks.

2. We appreciate the Plenary Report’s acknowledgement of local, state, and federal planning processes, and the clear recognition of the importance of environmental data in energy planning.

We were pleased to see that the TAFE narratives in the Plenary Report, Appendix A incorporated the results of local, state, and federal planning processes⁷. The inclusion of these processes is important considering the RETI 2.0 process did not conduct new land use or environmental analysis. We found figures A-1, A-2, and A-3 to be helpful in visualizing the relationships between these planning processes and renewable resource data considered by the Plenary Group.

Furthermore, we appreciate that the Plenary Report has highlighted the important co-benefits of geothermal development in the Salton Sea⁸. Not only does geothermal at the Salton Sea serve climate and environmental benefits, this area has been identified for renewable energy development in federal, state and local planning processes. Moreover, geothermal energy resources help provide the needed resource portfolio balance the state is seeking.

Lastly, we support the environmental data recommendations that were identified in the Plenary Report⁹. We agree that access to environmental data, models, and the

⁶ California Natural Resources Agency. 2016. *Renewable Energy Transmission Initiative 2.0 Plenary Report Public Review Draft*. See Purpose Section, pg. 1.

⁷ These processes include the Least Conflict Lands for solar energy identified in the Solar in the San Joaquin Valley process; the Development Focus Areas designated by the Bureau of Land Management’s DRECP Phase I Land Use Plan Amendment; and the renewable energy zones and overlays established in local government planning processes

⁸ California Natural Resources Agency. 2016. *Renewable Energy Transmission Initiative 2.0 Plenary Report Public Review Draft*. Page 24.

⁹ California Natural Resources Agency. 2016. *Renewable Energy Transmission Initiative 2.0 Plenary Report Public Review Draft*. Page 55.

Environmental Report Writer¹⁰ should be kept available online for use by agencies, stakeholders, and the public. Likewise, we agree that the data sets should be kept up to date. Lastly, we are encouraged by the overview and description of the Environmental Report Writer¹¹. Since our organizations' experience and understanding of the Environmental Report Writer is limited only to a description in this report, we must reserve any opinion about its use and utility to a time after which there has been further explanation and demonstration of this tool. However, at a minimum, we do agree with the recommendation that agencies and stakeholders should work together on further development of that tool.

3. Specific improvements needed for environmental and land-use data.

As directed by the review questions for commenters, as follows we present our feedback on the completeness and accuracy of the environmental and land-use data.

The Plenary Report's descriptions of the North of Kramer area within the Victorville/Barstow TAFE must document the current land use and regulatory uncertainty associated with the Bureau of Land Management's Desert Renewable Energy Conservation Plan (DRECP) Development Focus Area (DFA) north of Kramer ("North of Kramer DFA"). This area is under a 5-year moratorium on any renewable energy development, or until San Bernardino and Kern County update their general plans for conservation and renewable energy, and the California Department of Fish and Wildlife issues a final Mohave ground squirrel conservation strategy. The description of hypothetical development potential within this area is misleading without recognizing the high uncertainty about whether or not the North of Kramer DFA will exist in five years. Additional information on this important condition can be found in Attachment B to this letter. To make this distinction clear, we recommend a change of the color of the North of Kramer DFA in Figure A-2 of the Plenary Report, Appendix A.

¹⁰ Flint, Scott, Eli Harland, Misa Milliron, Gabriel Roark. 2016. *Environmental and Land Use Information to Support the Renewable Energy Transmission Initiative 2.0 Process*. California Energy Commission. Publication Number: CEC-700-2016-007. Page 14.

¹¹ Flint, Scott, Eli Harland, Misa Milliron, Gabriel Roark. 2016. *Environmental and Land Use Information to Support the Renewable Energy Transmission Initiative 2.0 Process*. California Energy Commission. Publication Number: CEC-700-2016-007. Page 14.

The Plenary Report notes that: “Many of the highest-quality wind resources in California have already been developed or are constrained by environmental and permitting barriers”¹². It is important to note that there are significant constraints for wind development in the California deserts specifically due to the distribution of military installations. The Department of Defense has invested considerable resources in working with renewable energy developers and stakeholders to address siting concerns with wind and solar projects wherever possible. However significant constraints remain in the deserts with regard to wind technology in particular.

Please see Attachment B of this letter for a full account of the recommended edits to improve the completeness and accuracy of the environmental and land-use data employed in the Plenary Report, Appendix A – TAFAs.

Lastly, we incorporate by reference our comments submitted on November 14, 2016 (Attachment C). The attached letter reflects comments made through the RETI 2.0 process, which continue to be unaddressed in key part.

4. Conclusion

Local, state, and federal agencies have made tremendous progress in planning to balance the siting of renewable energy generation with conservation. The important challenge ahead is aligning transmission planning with land-use planning processes to meet California’s ambitious renewable energy goals in a timely and environmentally responsible manner. We appreciate the progress that RETI 2.0 has made in moving this dialogue forward and the opportunity to provide our feedback.

¹² California Natural Resources Agency. 2016. *Renewable Energy Transmission Initiative 2.0 Plenary Report Public Review Draft*. Page 24.

Conservation Organizations – RETI 2.0 Plenary Report Comments
January 10, 2017

Respectfully submitted,



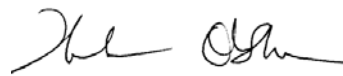
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Attachment A

Redline Edits to ELUTG description in Plenary Report

We strongly urge the RETI 2.0 leadership to make the following redline edits to the description of the Environmental and Land Use Technical Group (ELUTG) in the Plenary Report.

ELUTG description, edit #1 -

Current text, page 1, bullet 2:

- “RETI 2.0 is: An assessment of transmission and environmental implications and options for developing and delivering renewable energy from different areas.”¹³

Recommended revision, page 1, bullet 2:

- RETI 2.0 is: “An assessment of transmission ~~and environmental~~ implications and options for developing and delivering renewable energy from different areas.”
- Add another bullet: RETI 2.0 is: “**An assemblage of spatial environmental and land-use data relevant to renewable energy and transmission planning.**”

ELUTG description, edit #2 -

Current text, Page 2:

- “Second stage: The three RETI 2.0 input groups reviewed TAFAs and identified transmission, environmental, land-use, and policy implications of developing and transmitting a hypothetical amount of additional renewable energy from each TAFE.”¹⁴

Recommended revision, Page 2:

- “Second stage: The three RETI 2.0 input groups reviewed TAFAs and identified transmission, ~~environmental, land-use,~~ and policy implications of developing and transmitting a hypothetical amount of additional renewable energy from each TAFE. **The ELUTG recommended spatial data relevant to renewable energy and transmission planning, evaluated data completeness, and identified data gaps.**”

¹³ California Natural Resources Agency. 2016. *Renewable Energy Transmission Initiative 2.0 Plenary Report Public Review Draft*. Page 1.

¹⁴ California Natural Resources Agency. 2016. *Renewable Energy Transmission Initiative 2.0 Plenary Report Public Review Draft*. Page 2.

ELUTG description, edit #3 -

Current text, Page 3:

- “The Environmental and Land Use Technical Group (ELUTG)...was an open stakeholder forum charged with collecting and assessing existing environmental and land-use planning information, including consultation with Native American tribes, to evaluate the implications of renewable energy and transmission development in the different TAFAs.”¹⁵

Recommended revision, Page 3:

- “The Environmental and Land Use Technical Group (ELUTG)...was an open stakeholder forum charged with collecting and assessing existing environmental and land-use planning information **relevant to renewable energy and transmission planning**, including consultation with Native American tribes, ~~to evaluate the implications of renewable energy and transmission development in the different TAFAs.~~”

ELUTG description, edit #4 -

Current text, page 29:

- “The ELUTG was charged with providing a broad assessment of the feasibility of developing the hypothetical renewable resource range in each area, and a high-level overview of the environmental and land-use issues that may need to be addressed by such development and the conceptual transmission mitigation¹⁶ identified by the TTG.”¹⁷

Recommended revision, Page 29:

- “The ELUTG was charged with ~~providing a broad assessment of the feasibility of developing the hypothetical renewable resource range in each area, and a high-level overview of the environmental and land-use issues that may need to be addressed by such development and the conceptual transmission mitigation identified by the TTG~~ recommending spatial environmental and land-use data relevant to renewable energy and transmission planning, evaluating data completeness, and identifying data gaps.”

¹⁵ California Natural Resources Agency. 2016. *Renewable Energy Transmission Initiative 2.0 Plenary Report Public Review Draft*. Page 3.

¹⁶ Mitigation options include new transmission, advanced technologies and non-wire alternatives, and operational efficiencies. California Natural Resources Agency. (2016). Page 39.

¹⁷ California Natural Resources Agency. 2016. *Renewable Energy Transmission Initiative 2.0 Plenary Report Public Review Draft*. Page 29

ELUTG description, edit #5 -

Current text, page 54:

- “The main goal for the ELUTG was to identify and **recommend how** the data collected in the RETI 2.0 process **should best be used** to examine the environmental implications for areas of potential high-value renewable energy resources and potential new transmission corridors.”¹⁸ (**emphasis added**)

Recommended revision, page 54:

- “The main goal for the ELUTG was to identify and recommend how the data collected in the RETI 2.0 process should best be used to ~~examine~~ describe the environmental ~~implications~~ context for the Transmission Assessment Focus Areas ~~areas of potential high-value renewable energy resources and potential new transmission corridors.~~”

¹⁸ California Natural Resources Agency. 2016. *Renewable Energy Transmission Initiative 2.0 Plenary Report Public Review Draft*. Page 54.

Attachment B

Feedback on the accuracy and completeness of environmental and land-use data in the RETI 2.0 Plenary Report, Appendix A – Transmission Assessment Focus Areas

RETI 2.0 Plenary Report, Appendix A includes environmental and land use information for each of the Transmission Assessment Focus Areas (TAFAs) in California. Attachment B of this letter focuses on the TAFAs within the Desert Renewable Energy Conservation Plan (DRECP) area which has been the subject of detailed resource inventory and planning for both renewable energy development, including transmission, and conservation since 2009. The Bureau of Land Management finalized its amendments to the California Desert Conservation Area Plan for the DRECP by designating Development Focus Areas (DFAs) and new conservation lands in September 2016. In addition, the counties of Inyo, Los Angeles and Imperial have adopted renewable energy elements to their general plans, and two additional counties, San Bernardino and Riverside, are expected to finalize their renewable energy elements in the near future.

Our comments below identify key issues regarding land use and constraints in the Tehachapi, Victorville-Barstow, Tehachapi, Riverside East and Imperial Valley TAFAs that will need to be resolved before the RETI 2.0 draft report can be finalized. The key issues are as follows, according to TAFAs.

1. Northern California TAFAs: Considering the absence of advanced planning for renewable energy and conservation in the Northern California TAFAs (Lassen-Round Mountain, Sacramento River Valley and Solano), we believe it is premature for RETI 2.0 to address hypothetical renewable energy generation and transmission needs for these areas.

2. TAFAs in the DRECP area in general: In December 2016 the DRECP agencies, including the CEC, released the Biological Conservation Framework which identifies lands, both federal and private, considered essential to meet biological resources goals and objectives of the DRECP. The framework is also considered a key source of information to be used by local agencies as they develop and adopt their conservation elements associated with Phase 2 of the DRECP covering private lands. The framework is considered by the California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) to be a conservation framework necessary for local agencies to develop

conservation plans that meet the standards for California Natural Communities Conservation Plans, and federal Habitat Conservation Plans. Such plans are necessary for applicants to obtain incidental take permits for listed species under both state and federal law. This framework is a key document to be used by local agencies in preparing their renewable energy and conservation elements to their general plans.

The RETI 2.0 Plenary Report and Appendix A should account for potential additional constraints on renewable energy and transmission project development due to the Biological Conservation Framework, especially in TAFAs that include lands located within the Owens Valley, Indian Wells Valley, eastern slope of the Sierra Nevada and Tehachapi Mountains, and Antelope Valley. A map of the Biological Conservation Framework Lands is attached. The Plenary Report must be updated to include the Biological Conservation Framework.

3. Tehachapi TAFE: BLM designated an 18,000-acre Wildlife Allocation area within the Tehachapi TAFE in 2016 and adopted various Conservation Management Actions (CMAs) that are intended to provide an appropriate level of protection for biological resources, both plants and animals. As per CMA WILD-LANDS-1, renewable energy activities and related ancillary facilities are not allowed. In addition, it retained the existing Desert Tortoise Research Natural Area as an Area of Critical Environmental Concern (ACEC) which was formally designated in 1980. Renewable energy development is prohibited within this ACEC. A similar ACEC designated for conservation of the desert tortoise and its habitat includes public lands in the Fremont Valley and Rand Mountains. Renewable energy development is prohibited here as well. Public lands within the Indian Wells Valley to the north include extensive conservation lands comprised of both ACEC and California Desert National Conservation Lands (CDNCL). Both designations prohibit renewable energy development, and new transmission facilities are allowed in CDNCL but only within designated utility corridors.

ACEC and CDNCL lands also have a maximum allowable ground disturbance limit ranging from 0.1 to 1.0 percent of the acreage within the conservation unit. Such limitations will apply to any new transmission facilities, including facility upgrades. However, in calculating ground disturbance, BLM will also include all existing disturbance in determining the remaining allowable disturbance. Although BLM considers that most

conservation units have not reached the disturbance limits, there are some that are near or have been exceeded.

There are extensive Biological Conservation Framework lands in the TAFA including the Owens Valley, Indian Wells Valley, Antelope Valley, eastern slope of the Tehachapi Mountains, northern slope of the San Gabriel Mountains and extensive areas east of California City.

4. Victorville-Barstow: The RETI 2.0 Plenary Report identifies a hypothetical scenario of 4500 MW of solar and 500 MW of wind energy development in this TAFA, but also states that reaching such levels would be “challenging” due to the extent of sensitive resources and the local agency preference for community scale solar projects only. San Bernardino County tentatively supports a limited number of DFAs on public land near Trona, north of Kramer Junction, Hinkley and El Mirage, and on Variance Process Lands near Amboy.

The main issue with this TAFA is the 5-year moratorium on any renewable energy development within the DFA north of Kramer Junction, or alternatively until such a time as Kern County and San Bernardino County finalizes their updates to their general plans that will specify how interspersed private lands will be zoned for Mohave ground squirrel conservation and what private lands will be available for renewable energy development, and the California Department of Fish and Wildlife (CDFW) finalizes its Mohave ground squirrel conservation strategy which will consider all lands within the range of the species including this DFA. In December 2016 the DRECP agencies released the Biological Conservation Framework which identifies lands, both federal and private, considered essential to meet biological resources goals and objectives. This framework is considered a key document to be used by local agencies in preparing their renewable energy and conservation elements to their general plans. All lands within the DFA north of Kramer are included in the Biological Conservation Framework lands, and were included specifically for the conservation of the Mohave ground squirrel.

Appendix A identifies two wind resource areas in the vicinity of Barstow, with a hypothetical generation of 500 MW. We believe this is unrealistic due to military conflicts, and impacts to golden eagles, prairie falcons and migratory birds in general in the wind resource area east of Barstow adjacent to the western portion of the Cady Mountains and the eastern portion of the Newberry Mountains.

Biological Conservation Framework lands overlap large areas of the Victorville-Barstow TAFE, potentially imposing future constraints on renewable energy development.

5. Riverside East TAFE: The RETI 2.0 Plenary Report identifies that 500 to 1000 MW generated from wind energy projects could conceptually be developed in the TAFE, but that such development would be prohibited on the known areas of interest because they overlap with BLM’s designated ACECs in the area where renewable energy generation projects are prohibited. In addition, although BLM identified potential wind energy generation in the Riverside East DFA up to 1000 MW, the impact to migratory birds associated with the Colorado River flyway would preclude such development. We recommend that wind energy in this TAFE be dismissed in total due to land use constraints and impacts to migratory birds.

6. Imperial Valley TAFE: Since there are no public land DFAs or Imperial County private lands located within areas identified as having economic wind energy resources, we recommend that the RETI 2.0 Plenary Report dismiss the feasibility of wind energy generation in this TAFE. The wind resource areas identified for the Imperial Valley TAFE is located in an area adjacent to designated wilderness and within an ACEC, as well as located near the Colorado River, a major flyway for migratory birds. Given these designations and potential impact issues, we recommend that wind energy development be removed from the hypothetical development scenario.

Sources: ESRI (2015); CEC (2013); BLM (2015); CDFW (2013); USFWS (2013)

FIGURE 2

Biological Conservation Framework Map with BLM DRECP LUPA Conservation Designations

Attachment C

(see next page)



CALIFORNIA
NATIVE PLANT SOCIETY



THE
WILDERNESS
SOCIETY

November 14, 2016

Electronic Mail (with hard copy to follow)

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Dear RETI 2.0 Leadership Team:

Our organizations strongly support the objective of the RETI 2.0 initiative to explore new transmission to meet the needs of an increasingly carbon free California economy. We commend you on the significant progress that RETI 2.0 has made in aggregating important information from existing studies and multiple regulatory planning processes. For the first time, data from across studies and proceedings has been brought together in one forum for exploration. This exercise has provided valuable insights and has also raised important questions that should be resolved in the forthcoming RETI 2.0 report.

Accordingly, our organizations provide the following recommendations for that report.

1. Need projections should align with California climate policy.

The need projections identified in RETI 2.0 must be consistent with California climate policy, including SB350. Although the California Air Resources Board (CARB) is still determining the energy sector reductions necessary to meet the SB 350 GHG goals, the amount of hypothetical resource under consideration by RETI 2.0 (40,000 MW) is likely many times larger than what is needed, and indeed, is many times larger than the most recent outputs from the Public Utilities Commission (CPUC)'s Renewables Portfolio Standard (RPS) Calculator. Rather than using the most recent state data, RETI 2.0 uses a range of projections from older third-party reports. Notably, these numbers assume the energy efficiency goals in SB 350 do not occur. We recommend RETI 2.0 use the most recent information on renewables need developed by the CPUC.

2. Geographic areas identified should align with ongoing planning efforts for renewable energy and conservation.

The RETI 2.0 planning process has defined new Transmission Assessment Focal Areas (TAFAs) and during the July 21st Environmental and Land Use Technical Group (ELUTG) meeting introduced Project Concentration Areas (PCAs)¹ as spatial areas for potential siting of renewable generating facilities to guide the study of transmission and environmental implications by the Transmission Technical Input Group (TTIG) and the ELUTG.

There are inconsistencies between these areas and geographic areas identified in final local, state, or federal planning processes as areas available or not available for renewable energy development. This misalignment is concerning. For example, the TAFA in Los Angeles County encompasses Significant Ecological Areas which are not available for renewable energy generation² and 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

¹ July 2016. <https://reti.databasin.org/maps/e3616f36144849a9bdc724dc655bc0f9/active>. Although the PCAs do not appear to be included in either the TTIG¹ or ELUTG¹ reports, we are concerned about their potential role in RETI.

² Ibid, pages 34-35

of Least-Conflict Lands Project” report³. In the California desert, a substantial amount of the Desert Renewable Energy Conservation Plan (DRECP) Phase I Development Focus Areas (DFAs) are inexplicably not included in these areas. This is very concerning particularly given the statements by the state and federal agencies that transmission will be aligned to ensure that the DFAs will be usable for future development.

Equally troubling, these areas either envelop or are contiguous to areas that are not available for development.⁴ If RETI 2.0 is to inform transmission decision-making, these areas should be consistent with federal and state renewable energy and land use plans. It is essential to align transmission planning with these local, state and federal siting efforts to meet California’s ambitious renewable energy goals in a timely and environmentally responsible manner.

We recommend that areas inconsistent with the land use decisions of planning processes or initiatives either be eliminated from the RETI 2.0 report or those inconsistencies be identified and reflected to ensure that there is an accurate accounting of what may or may not be available for development within these areas.

3. RETI 2.0 did not achieve the objective of analyzing land use and environmental implications.

The original objective of the RETI 2.0 ELUTG was to identify land use and environmental opportunities, constraints, and implications to accessing (high-value renewable) resources that need transmission⁵. This analysis was never conducted. Therefore, it is imperative that the forthcoming RETI 2.0 report does not imply that land use and/or environmental analysis was completed.

³ 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

⁴ 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).

⁵ Turner, B. (2016) *Plenary Group Meeting on Long-Term Renewable Scenarios and Transmission Assessment Focus Areas*, slides 3-4. [PowerPoint Presentation].

As follows are four recommendations on themes and findings that the RETI 2.0 report should explore.

First, we appreciate the discussion in the ELUTG report⁶ of the development and possible uses of analytical products and tools to improve integration of land use and environmental considerations into electricity planning (e.g. Data Basin and the environmental report writer). We recommend that the forthcoming RETI 2.0 report describe these tools and their uses and the report narrative must clearly state that these tools were not applied in the RETI 2.0 process and therefore did not shape results or outcomes.

Second, we recommend that any TAFA specific narrative in the RETI 2.0 report rely upon the results of local, state, and federal planning processes, as the RETI 2.0 process did not conduct new land use or environmental analysis. Specifically, the San Joaquin TAFA narrative should describe the Least Conflict Lands for solar energy identified in the Solar in the San Joaquin Valley process⁷. The California Desert TAFAs narrative should describe the Development Focus Areas designated by the Bureau of Land Management's DRECP Phase I Land Use Plan Amendment (LUPA)⁸, and the renewable energy zones and overlays established in local government planning processes. We recommend that the RETI 2.0 report identify the backbone (bulk system) upgrade implications of interconnecting renewable generation facilities within Development Focus Areas⁹, local government

⁶ Flint, Scott, Eli Harland, Misa Milliron, Gabriel Roark. 2016. *Environmental and Land Use Information to Support the Renewable Energy Transmission Initiative 2.0 Process*.

California Energy Commission. Publication Number: CEC-700-2016-007

⁷ 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

⁸ 2016. Desert Renewable Energy Conservation Plan. *Record of Decision for the Land Use Plan Amendment to the California Desert Conservation Plan, Bishop Resource Management Plan, and Bakersfield Resource Management Plan*. U.S. Bureau of Land Management.

⁹ 2016. Desert Renewable Energy Conservation Plan. *Record of Decision for the Land Use Plan Amendment to the California Desert Conservation Plan, Bishop Resource Management Plan, and Bakersfield Resource Management Plan*. U.S. Bureau of Land Management.

identified renewable energy development areas¹⁰, and Least-Conflict Lands¹¹ within the California Deserts TAFAs and San Joaquin Valley TAFE, respectively. (We recognize that upgrades to local level systems will largely depend on the specific locations of future projects.)

Third, we recommend that the next cycle of the California Independent System Operator's (CAISO) Transmission Planning Process (TPP) incorporate the results of final local, state, or federal planning processes into their study, including Development Focus Areas¹², local government identified renewable energy development areas¹³, and Least-Conflict Lands¹⁴. This can be documented as a recommendation or next step in the RETI 2.0 report. We appreciate that the CPUC has moved to incorporate this data into their portfolio generation via the RPS Calculator as these portfolios are an important input into the TPP.

Fourth, the ELUWG report has underscored the importance of including spatial land use data in generation and transmission modeling and planning; we recommend that the RETI 2.0 report explicitly document this finding. We recommend that Data Basin continue to be used as a central platform for aggregating spatial data associated with RETI 2.0.

¹⁰ Inyo County: <http://www.inyoplanning.org/projects/documents/Exhibit1CEQAFindings.pdf> (See Table 1).
LA County: <http://file.lacounty.gov/bos/supdocs/95462.pdf>. Imperial County:
<ftp://ftp.co.imperial.ca.us/icpds/eir/cec/final/22Revisions.pdf>

¹¹ 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

¹² 2016. Desert Renewable Energy Conservation Plan. *Record of Decision for the Land Use Plan Amendment to the California Desert Conservation Plan, Bishop Resource Management Plan, and Bakersfield Resource Management Plan*. U.S. Bureau of Land Management.

¹³ Inyo County: <http://www.inyoplanning.org/projects/documents/Exhibit1CEQAFindings.pdf> (See Table 1).
LA County: <http://file.lacounty.gov/bos/supdocs/95462.pdf>. Imperial County:
<ftp://ftp.co.imperial.ca.us/icpds/eir/cec/final/22Revisions.pdf>

¹⁴ 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

Conclusion

We appreciate the opportunity to participate in the RETI 2.0 planning process and to provide comments on the forthcoming RETI 2.0 report.

Respectfully submitted,



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RETI 2.0 – Joint Letter – RETI 2.0 Report
November 14, 2016

CC:

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Scott Flint by email (Scott.Flint@energy.ca.gov)

Dockets Unit, California Energy Commission, Docket No. 15-RETI-02, 1516 Ninth Street,
MS-4, Sacramento, CA 95814-5512, docket@energy.ca.gov



**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DEPARTMENT OF THE INTERIOR
AND
THE STATE OF CALIFORNIA
ON RENEWABLE ENERGY**

I. INTRODUCTION AND BACKGROUND

California's Clean Energy and Pollution Reduction Act of 2015 (Senate Bill [SB] 350, Chapter 547, Statutes of 2015) and SB 32 (Chapter 249, Statutes of 2016) establish State policies to reduce Greenhouse Gas (GHG) emissions to 40 percent below the 1990 statewide greenhouse gas emission levels and requires that the California electricity portfolio planning process focus on resource mixes that can reduce GHG emissions, while maintaining reliability in a cost effective manner. SB 350 also establishes a policy of meeting at least 50 percent of California's electricity needs with renewable energy sources by 2030. The mix of resources needed to meet the SB 32 and SB 350 goals will include renewable energy projects (onshore and offshore), and other clean energy sources needed to integrate renewables resources and shift other sectors away from carbon intensive fuels. These policies make the success and expansion of renewable energy and the continued streamlining of the permitting process a key priority for California's economic and environmental future.

Likewise, the Federal government has several policies encouraging renewable energy development. The President's Climate Action Plan (2013), for example, sets a goal of permitting 20,000 megawatts of renewable energy on public lands by 2020. The Secretary of the Interior's Secretarial Order 3285A1, amended February 22, 2010, establishes a policy of encouraging the production, development, and delivery of renewable energy as one of the Department's highest priorities. To advance the objective of streamlining renewable energy development on public lands, the Secretary of the Interior also issued Secretarial Order 3294 on January 6, 2010.

Recognizing that development of renewable energy projects must be balanced with conservation of the natural resources under the Department of the Interior's stewardship, the Secretary of the Interior issued Secretarial Order 3330 on October 31, 2013, to establish a Department-wide mitigation strategy that will ensure consistency and efficiency in the planning, review, and permitting of renewable energy and other infrastructure development projects and implement a landscape-scale approach to mitigation on Federal lands. That approach will ensure early integration of mitigation considerations, durability of mitigation measures over time, as well as

improved transparency, consistency and cooperation with State partners. In furtherance of this landscape-scale permitting policy, agencies and bureaus within the Department of the Interior will work collaboratively with each other and with other Federal agencies, departments, Tribes, States, local communities, and private landowners to encourage the timely and responsible development of renewable energy and associated transmission projects while protecting and enhancing the Nation's water, wildlife, cultural, and other natural resources and resource values.

In the marine environment, the Energy Policy Act of 2005 authorized the Bureau of Ocean Energy Management (BOEM) to issue leases, easements and rights-of-way to allow for renewable energy development on the Outer Continental Shelf and provided a general framework for BOEM to follow when authorizing these renewable energy activities by requiring coordination with relevant federal agencies and affected state and local governments, obtaining fair return for leases and grants issued, and ensuring that renewable energy development occurs in a safe and environmentally responsible manner.

California agencies and the Federal Energy Regulatory Commission are also collaborating on the coordinated and efficient review of proposed hydrokinetic projects in California state marine waters under a Memorandum of Understanding signed in 2010. In response to a request from Governor Brown in May 2016, the Secretary of the Interior directed BOEM to establish the BOEM-California Intergovernmental Renewable Energy Task Force (Task Force) to coordinate potential renewable energy leasing on federal submerged lands on the Outer Continental Shelf offshore California. This Task Force has been set up and held its first formal meeting in October 2016.

For both onshore and offshore renewable energy projects, the Department of the Interior and the State of California also recognize the importance of fulfilling their separate obligations to Indian Tribes, including by appropriately considering and protecting trust resources and conducting government-to-government consultation. The Department of the Interior will recognize and fulfill its legal obligations to identify, protect, and conserve tribal trust resources; carry out its trust relationship with federally recognized Indian tribes and tribal members; and consult with tribes on a government-to-government basis whenever Departmental plans or actions have tribal implications. The State of California will also conduct consultation with California Indian Tribes for the protection of tribal cultural resources and government-to-government consultation with federally recognized tribes for concerns regarding their jurisdictions and natural resources. The Department of the Interior and the State of California will continue to engage in early and meaningful consultation with tribes. The Department of the Interior and the State of California will coordinate tribal outreach to the extent practicable and consistent with tribal wishes.

II. PARTIES

This Memorandum of Understanding (MOU) is entered into by and between the State of California and the Department of the Interior, acting through the agencies listed in section IV of this MOU (hereafter referred to as "the Agencies"), and will become effective as of the latest date shown below on the signature page.

III. PURPOSE

The purpose of this MOU is to describe how the Agencies will continue to effectively plan for and take the actions necessary to further the implementation of California's Clean Energy and Pollution Reduction Act of 2015, the California Global Warming Solutions Act of 2006, other California energy and environmental policies, the President's Climate Action Plan, the Energy Policy Act of 2005, and Secretarial Orders 3285A1, 3294, and 3330 in a cooperative, collaborative, and timely manner.

IV. AUTHORITY TO IMPLEMENT THIS AGREEMENT

- A. California Coastal Commission (CCC) Authority: California Public Resources Code Section 30000 et seq. (Coastal Act), specifically sections 30006.5, 30335.5, 30337 and 30339.
- B. California Department of Conservation (DOC) Authority: Public Resources Code Section 21000, et seq. (CEQA); Public Resources Code Sections 3013 and 3712; Government Code Section 51190, et seq.; California Code of Regulations, Title 14.
- C. California Department of Fish and Wildlife (CDFW) Authority: Fish and Game Code Sections 1600, 1802, and 2050, et seq. (CESA); Fish and Game Code Section 2800 et seq.; Code of California Regulations, Title 14; Fish and Game Commission Policies.
- D. California Energy Commission (CEC) Authority: Public Resources Code Sections 25218, 25302, 25324, and 25500, et seq.
- E. California Ocean Protection Council (OPC) Authority: Public Resources Code Sections 35615 and 35621.
- F. California Public Utilities Commission (CPUC) Authority: Public Utilities Code, Sections 451, 701, 702, 761, 762, 768, 770, 1001 and General Order No. 131-D.
- G. California State Lands Commission (CSLC) Authority: Public Resources Code Section 6001, et seq.

Bureau of Land Management (BLM) Authority: Section 307(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. § 1737), the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4347), the Geothermal Steam Act, as amended (30 U.S.C. §§ 1001-1028), the Endangered Species Act of 1973 (16 U.S.C. §§ 1531-1544), and the National Historic Preservation Act (54 U.S.C. § 300101 et seq.).

- H. Bureau of Ocean Energy Management (BOEM) Authority: Subsection 8(p) of the Outer Continental Shelf Lands Act, (43 U.S.C. § 1337(p), as amended by the Energy Policy Act of 2005), National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4347).

- I. U.S. Fish and Wildlife Service (FWS) Authority: Endangered Species Act of 1973 (16 U.S.C. § 1531-1544), National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4347), Migratory Bird Treaty Act (16 U.S.C. § 701 et seq.), the Bald and Golden Eagle Protection Act (16 U.S.C. § 668), and the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. § 668dd).

V. OBJECTIVES

A. Onshore Renewable Energy Projects in California

The Parties shall work in cooperation to achieve the following specific land-based (onshore) renewable energy objectives:

1. Continue convening the Renewable Energy Policy Group (REPG), consisting of senior policy representatives of the Department of the Interior, the California Governor's Office, and participating State departments and programs. The REPG will continue to be led jointly by a high level designee of the Governor and a high level designee of the Secretary of the Interior, who will report directly to the Governor and Secretary, respectively, on the progress of MOU implementation. The REPG will meet as needed, to oversee implementation of this MOU and monitor progress toward achieving its objectives, among other priorities. The REPG will seek input from staff of applicable State and Federal entities, Tribes, local governments, and stakeholders.
2. Maintain the Renewable Energy Action Team (REAT), made up of FWS, BLM, CEC, CDFW and other participating federal and State departments and programs, to identify and develop the mechanisms to prioritize and focus available agency permitting resources on priority RPS projects, which will be identified by the REAT agencies, taking into account available staffing levels and planning efforts such as the Western Solar Plan, the Desert Renewable Energy Conservation Plan (DRECP) and the Renewable Energy Transmission Initiative (RETI) 2.0. The REAT shall meet as needed to continue coordination on permitting and planning and related MOU priorities.
3. Continue partnership and commitment to leverage the analytical approaches and tools developed by the REAT agencies for implementation of the DRECP to advance collaborative planning, conservation and climate adaptation efforts through data sharing, development and utilization of common data platforms and tools, and proactive stakeholder engagement.
4. Permitting agencies will make their best effort to place a high priority on processing lease nominations and applications for renewable energy development in areas that make efficient use of the existing transmission system and are consistent with cooperative planning efforts such as the DRECP, and are consistent with state and federal goals and policies that minimize environmental effects, as well as ensure efficient permitting of new transmission lines needed to meet higher renewable energy goals.

For high priority projects as described above, the BLM will make best efforts to complete the

analysis for projects that are consistent with the tenets of this MOU within the following time frames contingent upon the applicant providing, and the BLM reviewing and processing, a complete application package as well as providing all necessary surveys and requested data in a timely manner. These time frames shall not be construed as a binding agreement and may be adjusted to ensure full public engagement and adequate environmental review.

- a) For projects requiring an Environmental Assessment level review, the BLM will make a good faith effort to complete the analysis within 12 to 18 months from initial scoping to Decision Record.
- b) For projects requiring an Environmental Impact Statement level review, the BLM will make a good faith effort to complete the analysis within 18 to 24 months from Notice of Intent to Record of Decision.

Any adjustments to this time frame will be conveyed in a timely manner to the applicant and the other participating agencies to the project.

- 5. For power plant projects under the joint jurisdiction of the BLM and CEC, ensure that the agencies coordinate the environmental review, monitoring, and decommissioning as described in the updated MOU between the BLM and CEC concerning coordinated environmental review, compliance monitoring, and decommissioning for power plants, effective October 2015.
- 6. Within 6 months of this agreement, make best efforts for the BLM and CPUC to finalize a new MOU to coordinate the environmental review, monitoring, and decommissioning of projects of joint jurisdiction.
- 7. Coordinate and cooperate on implementation of the October 2, 2015 Durability Agreement between the BLM and CDFW to promote appropriate and consistent use of, and to reinforce, the Durability Agreement for furthering the objectives of establishing conservation priorities codified in Assembly Bill 2087 (Levine 2016) and within 6 months, make best efforts to create a tracking database to document Durability Agreement actions in California.
- 8. Make best efforts to complete and implement the Phase I land exchange between the BLM and CSLC by December 31, 2018, pursuant to the October 2015 Memorandum of Intent between the BLM and CSLC concerning the exchange of state school lands with federal lands.
- 9. Within annual budgetary constraints, commit to maintain adequate staffing and resources to implement the provisions of this MOU.

B. Offshore Renewable Energy Projects on the Outer Continental Shelf Off California

The Parties shall work in cooperation to achieve the following specific offshore California renewable energy objectives:

1. Continue convening the Task Force. The Task Force will engage in planning for offshore renewable energy to advance collaborative planning and conservation through data sharing, development and utilization of common data platforms and tools, and proactive stakeholder engagement. The Task Force will seek input from staff of applicable State and Federal entities, Tribes, local governments, and stakeholders.
2. Place a high priority, to the extent possible, on processing plans for renewable energy development in areas that have been identified as offshore Wind Energy Areas through the collaborative Task Force planning process, while making best efforts to ensure efficient permitting needed to meet higher renewable energy goals.
3. For offshore renewable energy projects under the joint jurisdiction of BOEM, CDFW, CSLC or its sovereign public trust grantee(s), and the CCC, make best efforts to ensure that the Agencies coordinate the environmental review, monitoring, and decommissioning.
4. BOEM and the State of California will collaborate and engage in a multi-phase process to collect data to inform planning efforts and identify possible areas offshore California that are suitable for potential offshore renewable energy projects. Specifically, to the extent possible, within 6 months of the date of this MOU, BOEM, in consultation with the State of California and the Task Force, will use the initial data and information gathered by the Task Force and State entities to engage in a process to identify one or more suitable areas offshore California for which to issue one or more Calls for Information and Nominations regarding wind energy leasing.
5. Within 12 months of the date of this MOU, coordinate and cooperate on developing an update to the "California Permitting Guidance for Ocean Renewable Energy Test and Pilot Projects" document published in December 2011. The update will expand upon guidance for offshore wind energy projects in addition to marine hydrokinetic projects and will include commercial-scale project guidance. The update may include guidance for the development of marine mitigation framework for impacts to fisheries and ocean species.
6. Within annual budgetary constraints, commit to maintain adequate staffing and resources to implement the provisions of this MOU.

VI. GENERAL PROVISIONS

Nothing in this MOU is intended, or shall be construed, to limit or in any way affect the authority or legal responsibilities of the State of California or the Department of the Interior.

Nothing in this MOU is intended, or shall be construed, to bind or enable the State of California or the Department of the Interior to act beyond their respective authorities.

Nothing in this MOU is intended, or shall be construed, to obligate the Department of the Interior or the United States to commit or spend resources in advance of or in excess of the available appropriations from Congress. Nor does this MOU obligate the Department of the Interior, the United States, or the State of California to spend funds on any particular

project or purpose, even if funds are available.

The mission requirements, funding, personnel, and other priorities of the State of California and the Department of the Interior may affect their ability to fully implement all the provisions identified in this MOU.

Specific activities that involve the transfer of money, services, or property between or among the Agencies require execution of separate agreements or contracts.

Nothing in this MOU is intended, or shall be construed, to restrict the State of California or the Department of the Interior from participating in similar activities or arrangements with other public or private agencies, organizations, or individuals.

This MOU does not, and is not intended to, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States or the State of California, their Departments, agencies, or entities, their officers, employees, or agents, or any other person.

This MOU in no way restricts the Parties from participating in similar activities or arrangements with other public or private agencies, organizations, or individuals.

Any information furnished between the Agencies under this MOU may be subject to the Freedom of Information Act, 5 U.S.C. § 552, et seq., and the California Public Records Act, Gov. Code § 6250, et seq. The Agencies agree to consult each other prior to releasing potentially privileged or exempt documents.

This MOU is subject to the laws of the State of California and the laws of the United States of America, as applicable.

All cooperative work under the provisions of this MOU will be accomplished without discrimination against any employee because of race, sex, creed, color, national origin, or any other legally protected class as identified in Federal or California State law, the California State Constitution, or the United States Constitution, as applicable.

The State of California and the Department of the Interior, through their respective applicable agencies, may each terminate participation in this MOU at any time through written notification to the other party.

The State of California and the Department of the Interior, through their respective applicable agencies, may each amend or modify this MOU if the other party agrees.

This MOU shall remain in effect for an initial term of five (5) years after its effective date and may be renewed if both Parties agree.

Either party to this Agreement will obtain prior approval of the other party of all press releases, published advertisements, or other statements intended for the public that refer to this agreement, to the Parties in connection with this Agreement, or to the name or title of any

employee of the Parties in connection with this Agreement.

No Member of Congress shall be admitted to any share or part of any contract or agreement made, entered into, or accepted on behalf of the United States of America, or to any benefit to arise thereupon.

Nothing in this Agreement may be interpreted to imply that the United States or the Department of the Interior endorses any product, service, or policy of the State of California. The State of California will not take any action or make any statement that suggests or implies such an endorsement.

The State of California and the Department of the Interior will comply with the Federal Advisory Committee Act to the extent it applies.

VII. CONTACTS

The primary points of contact for carrying out the provisions of this MOU are:

California Governor's Office: Senior Policy Advisor to the Governor

U.S. Department of the Interior: Associate Deputy Secretary

California Coastal Commission: John Ainsworth, Acting Executive Director

California Department of Conservation: David Bunn, Director

California Department of Fish and Wildlife: Charlton H. Bonham, Director

California Energy Commission: Robert P. Oglesby, Executive Director

California Ocean Protection Council: Deborah Halberstadt, Executive Director

California Public Utilities Commission: Timothy Sullivan, Executive Director

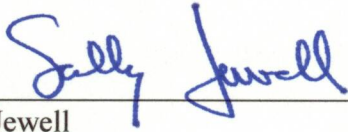
California State Lands Commission: Jennifer Lucchesi, Executive Officer

Bureau of Land Management: Jerome E. Perez, California State Director

Bureau of Ocean Energy Management: Joan Barminski, Regional Director, Pacific OCS-
Region

Fish and Wildlife Service: Paul Souza, Regional Director, Pacific Southwest Region

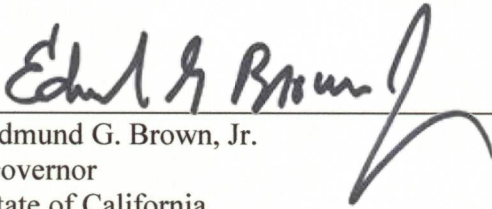
VIII. APPROVALS



Sally Jewell
Secretary
U.S. Department of the Interior

DEC 12 2016

Date



Edmund G. Brown, Jr.
Governor
State of California

12/12/2016

Date