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**Defenders of Wildlife Comments on 2025 SB 100 Report Land Use
Workshop 23-SB-100**

Additional submitted attachment is included below.



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California Energy Commission

Docket Unit, MS-4

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715 P Street

Sacramento, California 95814-5512

Delivered via email to: docket@energy.ca.gov

RE: 2025 SB 100 Report Land Use Staff Workshop (23-SB-100)

Defenders of Wildlife (Defenders) respectfully submits these comments on the February 1, 2024 SB 100 (Senate Bill 100) Land Use Staff Workshop (Workshop) for the 2025 SB 100 Joint Agency Report (Report). Defenders is dedicated to protecting all wild animals and plants in their natural communities and has 2.1 million members and supporters in the United States, 316,000 of whom reside in California. We employ science, public education and participation, media, legislative advocacy, litigation, and proactive on-the-ground solutions to prevent the extinction of species, associated loss of biological diversity and habitat alteration and destruction.

We strongly support the development of renewable energy production. A low-carbon energy future is critical for California's economy, communities, and environment. Achieving this future—and *how* we achieve it—is critical for protecting California's internationally treasured wildlife, landscapes and diverse habitats. We believe transitioning to a renewable energy future need not exacerbate the ongoing extinction crisis by thoughtfully planning projects while protecting habitat critical to species.

For too long, California has relied on remote utility scale energy generation and thousands of miles of transmission lines. Continuing this approach has resulted in the loss of thousands of acres of natural and working lands that have irretrievably impacted wildlife, cultural resources, and intact landscapes. The SB 100 Report is an important opportunity to lead beyond old ways of meeting California's clean energy needs. We encourage the California Energy Commission

(CEC), California Public Utility Commission (CPUC), California Air Resources Board, and the California Independent System Operation (CAISO) – collectively the Joint Agencies – to aggressively maximize distributed energy resources into SB 100 implementation.

Comments

We offer the following comments in response to the questions posed by CEC staff's questions at the Workshop:

What are the land use related challenges to SB 100 implementation?

Implementing SB 100 as currently envisioned relies on utility scale solar and wind development projected to consume around one million acres of new development. This development would occur on public lands, undeveloped private land, and potentially lands being retired from agricultural uses due to groundwater overdraft issues. Competing societal needs for these lands are one of the root sources of conflict and challenges for implementing SB 100.

Development on public lands can undermine the protection of natural and cultural resources. Balancing development on private lands with other critical societal needs, including housing, food security, and the preservation of natural and cultural resources, is essential.

Simultaneously, it is crucial to uphold California's natural resource protection, equity, and climate goals. Meeting these co-equal resource protection and societal needs must not become a popularity contest with preferential treatment for the winner. As demonstrated by The Nature Conservancy's Power of Place work, there is room enough to meet these needs.¹ Thoughtful, balanced land use planning driven by community and tribal engagement and informed by robust geospatial analysis is needed to identify where and how we meet our energy needs while balancing societal needs and the protection of natural, cultural, and tribal resources.

The panelists assembled for the Workshop provided valuable, diverse points of view. The local government representatives rightly highlighted the competing economic uses and community needs for least conflict development. We especially encourage the Joint Agencies to incorporate tribal representation at every Workshop for developing the Report.

Do you agree with staff's proposed goals (Workshop slides 10 and 19)? If not, what would you recommend?

We support staff's proposed goals to review progress in implementing SB 100, explore how to reduce environmental and land use impacts, identify land use implementation challenges, and evaluate land use uncertainties and trade offs across scenarios.

Reviewing Progress

The past must help inform SB 100 implementation so there is a clear understanding of

¹ <https://www.nature.org/en-us/what-we-do/our-priorities/tackle-climate-change/climate-change-stories/power-of-place/>

the land use and environmental consequences of energy and transmission development since the renewable energy development boom beginning with the American Recovery and Reinvestment Act. We recommend the review include:

- Data and geospatial analysis on how many acres of renewable energy have been developed and where it has been located.
- How many acres of mitigation was required for renewable energy projects, which would further the understanding of the types of impacts, level of impact, and how and where, or even if, those impacts were mitigated. This information is not available in the Protected Lands Database², which does not track the protected land source (e.g., mitigation vs. grant or donor-funded conservation acquisitions).

Reducing Land Use and Environmental Impacts

Avoidance and minimization of impacts are the foundation for reducing land use and environmental impacts from changes in land use. Impacts can only be avoided and minimized if the location and characteristics of natural, cultural, and tribal resources are known. This requires a robust, continually updated geospatial analysis tool to guide generation and transmission development to least conflict areas. At the project permitting level, the California Environmental Quality Act (CEQA) and National Environmental Policy Act review must be based on consistently applied best available science and field work to support informed decisionmaking.

The substantial amount of out-of-state resources in the energy portfolios require expansion of the CEC and CPUC's land use screening and busbar modeling to enable equitable energy and transmission planning across California's energyshed.

Land Use Implementation Challenges

As demonstrated by The Nature Conservancy's Power of Place, there is enough land to meet energy generation and transmission to meet SB 100 without sacrificing California's wildlife, ecosystems, cultural resources, and tribal resources. The challenge remains of directing transmission investments and energy development to these lands such as those found in disturbed lands with groundwater constraints in the San Joaquin Valley.

² <https://www.calands.org/>

We were surprised to hear one of the panelists claim that CEQA and the federal Endangered Species Act (ESA) haven't been updated over time. This is inaccurate. CEQA had a major update in 2018, and in just the last two years there have been over 20 legislative updates to CEQA. The ESA has also had substantive updates in 2019 and 2020.

Evaluating Land Use Uncertainties and Trade Offs Across Scenarios

We support staff's goal of quantifying land and sea space requirements to meet the SB 100. We request that coastal development requirements for marine terminals and port facilities be included for offshore wind development. We also support the assessment of environmental and land use constraints of each scenario, and it must include an assessment of out-of-state resources at an equal level to enable a uniform understanding of uncertainties and challenges.

Do you agree with staff's resources under consideration (Workshop slides 12 and 16)? If not, what would you recommend?

We appreciate staff's consideration of impacts and implementation challenges. We request this effort include identification of the number of acres of special status species habitat (e.g., desert tortoise, Mojave ground squirrel, San Joaquin kit fox, blunt nose leopard lizard) that have been impacted by renewable energy and transmission development and how much more would potentially be impacted with the SB 100 buildout. This analysis should include connectivity and climate resilience lands for special status species. Without this information, California cannot effectively plan for the SB 100 buildout and balance the meaningful protection of natural resources.

Given the potential for an additional million acres of utility scale renewable energy development, California must ensure an equitable buildout. Geospatial analysis is needed to track where development has occurred and where it is planned to examine if any region, community, or tribal group has been disproportionately impacted and to ensure that, moving forward, the buildout is balanced across California. We request this information be presented graphically rather than in charts to enable stakeholders to clearly understand development patterns.

Do you agree with staff's proposed approach to resource mapping for the scenario analysis (Workshop slide 18)? If not, what would you recommend?

We generally support staff's proposed approach to resource mapping but have concerns about the analysis radii modifications used to address some busbar compliance issues. The busbar

data sets and methodology improvements are only valuable if the outputs are not re-jiggered by modification of the analysis radii by expanding distance to find compliance. Expanding the analysis radius to reach compliance ultimately undermines energy planning because it sidesteps land use and environmental constraints. Busbar mapping does not have land use and environmental authority, so project proponents can reasonably be expected to attempt to develop close to the substations where the constraints exist, creating continued land use and environmental conflicts. Instead of expanding analysis radii, the methodology should reallocate resources to a different, less constrained busbar.

We support the analysis of additional study areas. However, we strongly encourage the Joint Agencies and staff to be extremely transparent on the identification and selection of the additional study areas. As was made clear during the tribal panel at the Workshop – tribal engagement and consultation has been too little and too late in California’s energy planning. Tribal consultation should be foremost in any selection of additional study areas.

Conclusion

The 2022 Joint Agency Memorandum of Understanding for energy planning³ and the CEC’s advancements in land use screening methodology and tools are already benefiting energy planning to meet SB 100 goals. We look forward to seeing the CEC’s land use screening tools inform and advance the 2025 SB 100 Joint Agency Report.

We thank the Workshop presenters and panelists for the informative and thoughtful discussions. We look forward to actively participating in developing the 2025 SB 100 Joint Agency Report. Please contact Pamela Flick at (916) 442-5746 or pflick@defenders.org or Kate Kelly at (530) 902-1615 or kate@kgconsulting.net with any questions.

Sincerely,



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California Program Director



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Consultant

³ <http://www.caiso.com/Documents/ISO-CEC-and-CPUC-Memorandum-of-Understanding-Dec-2022.pdf>