



June 3, 2022

The Honorable Bob Wieckowski
Chair, Senate Budget & Fiscal Review Subcommittee
No. 2 on Resources, Environmental Protection & Energy
1020 N Street, Room 502
Sacramento, CA 95814

RE: Energy Trailer Bill Opt-In Streamlined Review for Renewable and Zero Carbon Facilities – OPPOSE

Dear Senator Wieckowski:

On behalf of the Rural County Representatives of California (RCRC), we must respectfully oppose the Administration's Opt-In Streamlined Review provisions in the proposed Energy Trailer Bill. RCRC is an association of thirty-nine rural California counties, and the RCRC Board of Directors is comprised of elected supervisors from each member county.

RCRC agrees that the state must improve energy reliability both at the local level and for the larger grid. Many of our communities have suffered a dramatic decline in energy reliability over the last several years. These improvements will require significant investments in infrastructure, development of new energy and storage assets, and rethinking the state's lengthy interconnection process. Unfortunately, *we believe that the proposed opt-in permit review process misses the mark, is overly broad, usurps local control, excludes local governments from meaningful involvement in major development projects within their jurisdictions, and could result in even more litigation.*

Overly broad scope of projects eligible for opt-in permitting by California Energy Commission (CEC). The opt-in permitting process applies to solar photovoltaic and terrestrial wind larger than 50MW (and appurtenant facilities), energy storage facilities over 200MW, renewable energy manufacturing facilities, and transmission lines.

It is unclear why solar projects should be included in this process, as these facilities are large, enjoy tax treatments created by the state that undermine the ability for local governments to provide core public services, and will not help the state fix its reliability

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problems. It is widely recognized that the state desperately needs power during the early evening hours after the sun sets and the state's solar generation capacity is unavailable. Given this need, including solar in this process will not provide the types of power that California needs at the time it is needed. It is unclear what appurtenant facilities will be covered by this proposal, but many of those facilities are better suited to the conventional local permitting process.

Similarly, manufacturing, production, and assembly facilities are similar to other major commercial and industrial uses that are well within the purview of local land use authority. It is not clear that the existing local permitting process is an impediment to opening these facilities. While there may be a need for CEQA relief to protect against anti-competitive litigation, that does not require usurpation of local permitting authority.

Usurps local permitting authority. Local governments are invested with authority over local land use decisions and permitting. The trailer bill improperly usurps that local permitting authority by allowing the CEC to permit a wide variety of renewable energy production, storage, transmission, and manufacturing projects.

Local governments are best suited to make these decisions because they know the communities impacted, are tasked with balancing competing land uses, and are situated closest to those residents and communities that will be impacted by the projects. In the local permitting process, local decision makers are able to identify and compel mitigation of the project's impacts on the affected community.

The energy trailer bill takes these crucial responsibilities away from local governments and hands them to the CEC, which is far removed from being held accountable by impacted residents. Instead, the CEC is merely required to hold one scoping meeting and one public meeting "as close as practicable to the proposed sited." Furthermore, the trailer bill allows the CEC to bypass local standards, ordinances, and laws if the facility is required for public convenience and necessity.

The CEC is required to give consideration and respond to comments made by the Coastal Commission and State Lands Commission for projects within their jurisdictions – and cannot proceed with a project where those agencies determine the facility is inconsistent with the primary uses of the land and would result in substantial unmitigated adverse environmental impacts. Disturbingly, there is no similar deference to concerns or determinations of the local governments in which those projects will be located.

It must be noted that these facilities can be very large, may conflict with local land use and planning, and are likely to impose significant impacts on the surrounding communities. These are the types of facilities and impacts where local control over the permitting process is absolutely necessary.

Increases risk of future litigation. By virtue of their close proximity (and accountability) to individuals and communities impacted by these projects, local governments are best suited to issue permits and mitigate the project's impacts. In bypassing the local permitting process and the individuals who will be impacted, the trailer bill substantially increases the risk that the new CEC permitting process will result in even more litigation from those impacted residents and communities who are dissatisfied with the decisions made by the CEC.

Fails to address even bigger permitting hurdles. We believe this opt-in permitting process misses the mark. The state has long heard that the interconnection process can be a nightmare for major energy generation and storage projects, yet this proposal instead seeks to shift land use decisions from local governments to the state without addressing the interconnection nightmare.

For these reasons, RCRC respectfully opposes the Administration's Opt-In Permitting component of the Energy Trailer Bill. We look forward to working with you and the Administration on changes that will expedite permit processing without alienating those communities and residents in which the projects are to be located.

Please do not hesitate to contact me if you have any questions.

Sincerely,



JOHN KENNEDY
Policy Advocate

cc: The Honorable Nancy Skinner, Chair, Senate Budget & Fiscal Review Committee
Members of the Senate Budget & Fiscal Review Subcommittee No. 2 on
Resources, Environmental Protection & Energy
Anita Lee, Consultant, Senate Budget & Fiscal Review Committee
Nidia Bautista, Consultant, Senate Energy, Utilities, and Communications
Committee
Anton Favorini-Csorba, Consultant, Senate Governance and Finance Committee
Kirk Feely, Consultant, Senate Republican Caucus
Christine Hironaka, Deputy Cabinet Secretary, Governor Gavin Newsom
Hazel Miranda, Deputy Legislative Secretary, Governor Gavin Newsom



June 3, 2022

The Honorable Richard Bloom
Chair, Assembly Budget Subcommittee No. 3
on Climate Crisis, Resources, Energy, and Transportation
1020 N Street, Room 447
Sacramento, CA 95814

RE: Energy Trailer Bill Opt-In Streamlined Review for Renewable and Zero Carbon Facilities – OPPOSE

Dear Assembly Member Bloom:

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JOHN KENNEDY
Policy Advocate

cc: Members of the Assembly Budget Subcommittee No. 3 on Climate Crisis,
Resources, Energy, and Transportation
The Honorable Phil Ting, Chair, Assembly Budget Committee
Shy Forbes, Consultant, Assembly Budget Committee
Laura Shybut, Chief Consultant, Assembly Utilities and Energy Committee
Hank Brady, Consultant, Assembly Local Government Committee
Christine Hironaka, Deputy Cabinet Secretary, Governor Gavin Newsom
Hazel Miranda, Deputy Legislative Secretary, Governor Gavin Newsom