



April 22, 2024

The Honorable Diane Papan, Chair
Assembly Water, Parks, and Wildlife Committee
1020 N Street, Suite 160
Sacramento, CA 95814

**RE: AB 550 (Petrie-Norris) – The California Endangered Species Act – The California State Safe Harbor Agreement Program Act – SUPPORT
Referred to the Assembly Water, Parks, and Wildlife Committee**

Dear Chair Papan:

On behalf of the undersigned organizations representing renewable energy trade associations in California, we write to express our support for AB 550 (Petrie-Norris), which updates the California Endangered Species Act (CESA) to ensure development activities like clean energy can better protect species and encourage habitat-enhancing activities without impairing project activities.

Our organizations represent the companies and entities developing, building, and procuring the diverse portfolio of clean energy projects essential to decarbonizing California's electricity sector. To reach our SB 100 goals, California will need to bring an additional 131,000 MW online by 2045, but getting projects off the ground is becoming more and more challenging. We are committed to California's clean energy future and to building our projects in a way that balances conservation with swift and efficient deployment of clean energy infrastructure. AB 550 will remove barriers to clean energy development without compromising environmental impacts.

AB 550 would allow the California Department of Fish and Wildlife to accept and process Incidental Take Permit (ITP) applications authorizing the "take" of species that have been petitioned for listing, to prepare for the potential they become candidate or threatened or endangered species under CESA in the future. Allowing project developers to seek ITPs in advance of a species moving to candidacy gives developers improved sightlines and better timing flexibility to prepare for the costs, species reviews, and mitigation requirements of an ITP. By making this small adjustment to allow for ITPs earlier in the process, developers would have more flexibility in addressing issues and avoiding late-stage project delays. In the clean energy context, late-stage project delays drive up the cost of electricity generation and threaten reliability targets – both of which impact ratepayers.

This bill would also clarify that CESA's "fully mitigated" standard can be met by development projects that provide a net benefit to CESA-protected species, as well as by clean energy and decarbonization projects that advance understanding of their effects on CESA-protected species, such as through research on the ways such projects reduce the adverse impact of climate change on species and their habitats.

Because little is typically known about a newly listed candidate species, there is an elevated value in scientific research contributing towards a better understanding the species, its vulnerabilities, its population status, and its interaction with human development activities. By defining research as mitigation in this narrow context, project proponents are incentivized to contribute meaningful scientific discovery to the public process.

Lastly, AB 550 would update the Safe Harbor Agreement Program Act by defining a change in baseline conditions as any activity that provides a net conservation benefit to the species. This would allow for projects that have a short-term impact on a protected species but a longer-term net benefit to that species to qualify for the Program, thereby incentivizing long-term land stewardship behaviors. For example, this would extend Safe Harbor Agreements to renewable energy development and decarbonization projects that would increase conservation benefits and encourage better land stewardship practices, all while more effectively meeting state climate and reliability requirements.

For these reasons, we request an AYE vote on AB 550 (Petrie-Norris).

Sincerely,

Shannon Eddy
Executive Director
Large-scale Solar Association

Nancy Rader
Executive Director
California Wind Energy Association

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cc: Assembly Committee on Water, Parks, and Wildlife, Members, and Staff
The Honorable Cottie Petrie-Norris