



April 22, 2024

The Honorable Isaac Bryan, Chair
Assembly Natural Resources Committee
1020 N Street, Room 164
Sacramento, CA 95814

The Honorable Cottie Petrie-Norris, Chair
Assembly Utilities and Energy Committee
1020 N Street, Room 408A
Sacramento, CA 95814

**RE: AB 854 (Petrie-Norris) – California Environmental Quality Act – Reconductoring
Exemption and Parallel Permitting – SUPPORT
Referred to the Assembly Natural Resources, and Utilities and Energy
Committees**

Dear Chair Bryan and Chair Petrie-Norris:

On behalf of the undersigned organizations representing renewable energy trade associations in California, we write to express our support for AB 854 (Petrie-Norris). AB 854 accelerates the development of critical energy and infrastructure projects while maintaining species and environmental protections in California through the California Environmental Quality Act (CEQA). Specifically, this bill is designed to accelerate permitting for renewable energy projects and for transmission reconductoring projects.

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 854 will remove barriers to clean energy development without compromising environmental impacts.

AB 854 would provide statutory CEQA exemptions for resource agency permits, including Incidental Take Permits (ITPs), Lake and Streambed Alteration Agreements (LSAAs) and Water Discharge Requirements (WDRs) for renewable energy projects. It would decouple these permits from the CEQA renewable project review process and allow the resource agencies to issue permits at any point – before or after a lead agency authorizes a project. AB 854 is designed to speed up certain environmental permits without weakening environmental protections.

Currently, even after a clean energy or infrastructure project completes a full CEQA review, it can face additional delays because individual permits themselves – like those for impacting a stream or protecting a threatened species – can trigger their own separate CEQA reviews. Resource agency permits such as ITPs or LDAAs from CDFW or WDRs from the Regional Water Quality Control Boards cannot be completed until after a CEQA Notice of Determination has been issued. Since CEQA analyses typically take 24 months to complete and because resource agency permits can easily take an additional 6-12 months or more to process, the permitting timeline for development projects can take several years, creating additional project development costs that are ultimately passed down to ratepayers. This statutory change would allow resource agency permitting to occur in parallel with CEQA, so that renewable energy projects can begin construction as soon as land use permits are approved, speeding up the timeline for project development. Removing that extra layer of CEQA review would allow agencies to issue those specific permits more quickly and facilitate the kind of accelerated project development the state needs.

To emphasize, the permits would continue to go through full review by appropriate state agencies, and these agencies would retain the authority to ensure projects meet today's rigorous environmental standards and the ability to require appropriate mitigation – or to deny a permit if the impacts are unmitigable. In short, this bill would help avoid duplicate environmental reviews for projects that already meet California's environmental standards to reduce cost and time without diminishing the quality of review.

Additionally, this bill would expedite transmission reconductoring projects in California. Reconductoring is the process of replacing smaller capacity wires with larger capacity wires on existing transmission poles to enhance transmission capacity using existing infrastructure. AB 854 exempts certain electricity transmission upgrade and maintenance projects from CEQA under clear and limited conditions, such as inspecting, repairing, replacing, or upgrading power lines when replacing existing wires with advanced conductors that can carry more electricity. To qualify for the exemption, the work must take place entirely within an existing transmission corridor or right of way. This bill would allow straightforward upgrades to California's aging transmission infrastructure – like replacing old wires with higher-capacity ones – without triggering additional CEQA reviews that delay necessary improvements and diminish the intended cost reductions. Reconductoring is the lowest-impact, least-cost path to increasing statewide transmission capacity on a highly constrained system, and it is necessary to cost-effectively catalyze clean energy development in the state.

For these reasons, we request an AYE vote on AB 854 (Petrie-Norris).

Sincerely,

Shannon Eddy
Executive Director
Large-scale Solar Association

Alexander L. Jackson
Executive Director
American Clean Power – California

Stephanie Doyle
Director, State Affairs, California
Solar Energy Industries Association

Jan Smutny-Jones, Esq.
Chief Executive Officer, General Counsel
Independent Energy Producers Association

Nancy Rader
Executive Director
California Wind Energy Association

Scott Murtishaw
Executive Director
California Energy Storage Alliance

Matthew McCaffrey
Vice President of Development, CAISO
Aypa Power

Katherine Gensler
Vice President, Government Affairs & Marketing
Arevon

Dan Patry
Senior Manager – External Affairs
AES Clean Energy

Marisa Mitchell
Head of Environmental and Permitting
Intersect Power

Andy White
Senior Manager, Government Affairs
Leeward Renewable Energy

cc: Assembly Committee on Natural Resources, Members and Staff
Assembly Committee on Utilities and Energy, Members and Staff