



California Wind Energy Association

April 18, 2023

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

RE: Assembly Bill 3238 (Garcia) As Amended 4/17 - Electrical infrastructure projects; endangered species; natural community conservation plans - SUPPORT IF AMEND

Dear Chair Rivas,

The California Wind Energy Association (CalWEA) strongly supports the general intent of Assembly Bill (AB) 3238, which would make permitting and environmental review processes more efficient to accelerate the buildout of electrical infrastructure in support of the state's clean energy goals. However, the bill appears to inadvertently include as being under CPUC jurisdiction "electrical infrastructure projects" that are proposed to be owned and operated by private energy generators. As these generators are under the jurisdiction of local agencies or the CEC under AB 205, these projects should be excluded from the definition of "electrical infrastructure project." Given a productive conversation with the author's office, we are encouraged that such an amendment will be made. With that clarification, CalWEA will be pleased to support the bill.

The current lengthy and expensive permitting and environmental review process for electrical infrastructure projects will seriously delay achievement of California's clean energy goals to address climate change, which is dependent on expanding our grid to reach new renewable resource areas and deliver electricity to meet increasing demands in population centers. Every reasonable opportunity to accelerate transmission permitting must therefore be taken. AB 3238 contains provisions consistent with a multi-party settlement agreement proposed at the California Public Utilities Commission (CPUC) to make reasonable changes to the CPUC's permitting rules for electrical infrastructure.¹ These provisions would significantly help to reduce decade-long transmission project timelines.

¹ *Joint Motion for Adoption of Phase 1 Settlement Agreement* (Settlement), filed by 18 parties filed with the CPUC in September 2023, see: <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M520/K714/520714203.PDF>.

The bill, as amended on 4/17, would also accelerate permitting of infrastructure projects in several additional limited and commonsense ways. First, the bill would, until 2035, exempt from the California Environmental Quality Act (CEQA) projects that would expand an existing public right-of-way across state-owned land to accommodate the construction, expansion, modification, or update of electrical infrastructure. Second, the bill would require the Department of Fish and Wildlife (DFW), when considering a request to amend an approved natural community conservation plan (NCCP), to limit its review to any species listed under the California Endangered Species Act (CESA) that were not previously considered in the approved plan and any new activities that would result in new or more substantial impacts to covered species than previously identified in the approved plan. Third, the bill would require DFW, when considering a request to amend an NCCP, to establish a rebuttable presumption that the mitigation and conservation measures provided in the previously approved plan have been or are being successfully implemented, and to only impose new mitigation and conservation measures that are necessary to address potential impacts to any newly listed species under CESA or any new or more substantial impacts to covered species under the plan.

Achieving California's greenhouse gas reduction goals is urgently needed to protect all species and human health and welfare. This bill would take modest and reasonable steps to accelerate the current, very slow, process. For these reasons, CalWEA respectfully requests your "aye" vote for AB 3238, presuming the aforementioned amendment is made.

Sincerely,



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cc: The Honorable Eduardo Garcia
Honorable Members and Staff, Assembly Utilities and Energy Committee
