



September 30, 2022

California Energy Commission
Docket No. 22-OIR-01
Docket Office
1516 Ninth Street
Sacramento CA 95814

Submitted Electronically via CEC website to Docket No. 22-OIR-02

Re: Comments of the California Wind Energy Association and Large-scale Solar Association following September 19, 2022, Workshop on Emergency Rulemaking for Assembly Bill 205, Opt-In Certification Provisions

The California Wind Energy Association (CalWEA) and the Large-scale Solar Association (LSA) appreciate the Commission's swift attention to implementing the opt-in certification provisions included in Assembly Bill 205. With the passage of AB 205, the California Legislature recognized the urgent need to facilitate the permitting of utility-scale wind, solar and storage projects to ensure grid reliability as the state seeks to meet the clean energy development targets necessary to achieve its climate goals. In his June 30, 2022, signing statement, Governor Newsom emphasized the need to "accelerate efforts to get clean generation and storage online." The increasingly devastating impacts of climate change experienced in California and across the nation and globe continually underscore the need for a rapid transition to renewable energy.

Thus, we urge the Commission to continue to proceed with all deliberate speed in finalizing this rulemaking and in processing applications such that the timelines included in AB 205 are met. To that end, we strongly encourage the Commission's siting division to maintain a sense of urgency and avoid any undue delays in reviewing applications and deeming them complete. Specifically, we encourage the Commission to ensure that staff:

- defer items that are typically handled post-certification, e.g., final engineering design for Lake and Streambed Alteration Agreements and construction-level permits, and approval of final location of any mitigation lands;
- allow security bonds to be used (either directly through the Commission or through the Department of Fish and Wildlife, DFW) instead of a letter of credit for security for construction prior to acquisition of mitigation land;
- allow applicants to meet directly with consulting agencies such as DFW;

- coordinate with responsible agencies such as the CPUC to ensure such agencies can rely on the Commission's EIR in issuing their own related approvals; and
- recognize that, in preparing EIRs, "[t]echnical perfection is not required; the courts have looked not for an exhaustive analysis but for adequacy, completeness and a good-faith effort at full disclosure." ([Concerned Citizens of South Central L.A. v. Los Angeles Unified School Dist. \(1994\) 24 Cal.App.4th 826, 836 \[29 Cal.Rptr.2d 492\]](#)).

CalWEA and LSA appreciate this opportunity to comment and appreciate the dedication of the Commission's considerable expertise to help achieve California's renewable energy goals to fight climate change.

Sincerely,



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