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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair  
2025 - 2026 Regular Session

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**AB 734 (Schultz) - Environmental protection: biological resources data: State Energy Resources Conservation and Development Commission: powerplants: power lines: applications**

**Version:** April 21, 2025

**Policy Vote:** E., U. & C. 14 - 2, N.R. & W.  
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**Urgency:** No

**Mandate:** No

**Hearing Date:** August 18, 2025

**Consultant:** Ashley Ames

**Bill Summary:** This bill would require any biological resources data submitted to the California Energy Commission (CEC) in an application for certification and small power plant exemption to be made publicly available on the CEC's docket as part of the certification proceeding unless the California Department of Fish and Wildlife (CDFW) makes a written determination to protect certain sensitive data, as provided.

**Fiscal Impact:**

- The CEC estimates ongoing annual costs of approximately \$178,000 (Energy Resources Programs Account) to hire one research data specialist to manage project data and create or modify biological data survey maps to ensure they are detailed enough and reflect the required scale and resolution.
- CDFW anticipates any costs would be minor and absorbable.

**Background:**

*The California Department of Fish and Wildlife (CDFW).* CDFW is the state trustee agency for the state's fish, wildlife, and plant species; CDFW's mission statement is "to manage California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public."

CDFW develops and maintains multiple resources containing information about the presence of native and non-native species, such as the Areas of Conservation Emphasis, and the California Natural Diversity Database (CNDDDB). The CNDDDB is an inventory of the status and locations of rare plants and animals in California. CNDDDB staff work with partners to maintain current lists of rare species, as well as to maintain an ever-growing database of GIS-mapped locations for these species. CNDDDB location data are readily available to the public at a scale of 1:350,000 to reduce the risk to a rare species of its precise location being known. According to the sponsor, CDFW has released finer scale information about rare species after review.

*CEC certification of powerplants.* The certifying agency for many powerplants in the CEC. During the certification process, the applicant provides certain materials – including information about biological resources present on-site – to the CEC. Prior to 2023, then-existing CEC regulations required certain biological resources data be submitted to the CEC by the applicant. This information was subsequently screened for

release to the public by CDFW to ensure that location data for rare species was sufficiently vague to avoid risk to the species. As part of the re-adoption of the small powerplant exemption regulations in 2023, the CEC revised its regulations to require the submittal of a 1:6,000 scale map (kept confidential), and a 1:350,000 scale map for public release using the formal CNDDDB standard for public location disclosures for all species – rare or abundant (see Title 20, California Code of Regulations, Appendix B, (g)(13)).

*Existing law:*

- 1) Establishes the Significant Natural Areas Program within CDFW and charges CDFW with maintaining and expanding a data management system to assist in carrying out the program. (Fish and Game Code (FGC) §1932)
- 2) Authorizes CDFW to undertake botanical research and field investigations and to collect and diffuse such statistics and information as shall pertain to the conservation, protection, and perpetuation of native plants. (FGC §1905)
- 3) Establishes and vests in the State Energy Resources Conservation and Development Commission (known as the California Energy Commission (CEC)) various responsibilities with respect to developing and implementing the state's energy policies. (Public Resources Code (PRC) §§25000 *et seq.*)
- 4) Vests the CEC with the power to certify locations on which an electrical transmission line or thermal powerplant is constructed, or is proposed to be constructed, except as provided. (PRC §§25500 *et seq.*)
- 5) Authorizes the CEC to exempt from certification a thermal powerplant with a generating capacity of up to 100 megawatts (MW), and modifications to existing generating facilities that do not add capacity in excess of 100 MW, if the CEC finds that no substantial adverse impact on the environment or energy resources will result from the construction or operation of the proposed facility or from the modifications. (PRC §25541)
- 6) Authorizes, until June 30, 2029, a person proposing an eligible facility, including a solar photovoltaic or terrestrial wind electrical generating powerplant with a generating capacity of 50 MW or more, to submit an application with the CEC for certification of the site and related facility. (PRC §§25545 *et seq.*)

**Proposed Law:** This bill would require any biological resources data submitted to the CEC in an application for certification and small power plant exemption to be made publicly available on the CEC's docket as part of the certification proceeding unless CDFW makes a written determination to protect certain sensitive data, as provided.

Specifically, this bill would:

1. Require any biological resources data submitted to the CEC in an application for certification or small powerplant exemption to be made publicly available on the CEC's docket as part of the certification proceeding unless CDFW makes a written determination that the data to be made public includes specified location data, the disclosure of which would pose a significant risk to individuals of the species.

2. Require CDFW, if it makes the written determination describe above, to include in the written determination an assessment of the maximum amount of the specified data that can be released without posing a risk to the species. Require CDFW to provide its written determination to the CEC, and require CEC to make the data, in accordance with the written determination, available to the public on the CEC's docket.
3. Apply the same public availability requirements described above to biological resources data submitted to the CEC as part of an application for certification of an eligible facility for the AB 205 "Opt-in" program.
4. Define "biological resources data" to mean information pertaining to species and their habitats, including, but not limited to, observations, surveys, scientific studies, species needs, and habitat conditions, and including maps on a scale of one inch equals 500 feet.

**Related Legislation:**

AB 205 (Committee on Budget), Chapter 61, Statutes of 2022, among other provisions, enacts CEC authority to permit the following renewable energy projects through June 30, 2029 if the project meets specified labor standards and employs a skilled and trained workforce (PRC § 25545 et seq.).

**-- END --**