

GOVERNOR'S VETO
AB 734 (Schultz)
As Enrolled September 5, 2025
2/3 vote

SUMMARY

Requires the State Energy Resources Conservation and Development Commission (Energy Commission) to make biological resources data it receives during the permitting processes for energy and renewable energy projects available to the public unless disclosure of the data would put species at risk.

- 1) Requires the Energy Commission to make biological resources data it receives during the permitting process for a thermal power plant or an electric transmission line available to the public.
- 2) Requires the Energy Commission to make biological resources data it receives during the permitting process for specified renewable energy projects available to the public.
- 3) If the biological resources data disclosed under this bill would include location data derived from the California Natural Diversity Database (CNDDDB), the Department of Fish and Wildlife (DFW) may submit a written determination to the Energy Commission to prohibit the data's disclosure if DFW deems that doing so would pose a risk to individuals of a species.
- 4) Defines "biological data" as information pertaining to species and their habitats, including observations, surveys, scientific studies, species needs, and habitat conditions, and including maps on a scale of one inch equals 500 feet for purposes of this bill.

Governor's Veto Message

"This bill would require the [Energy Commission] to publicly release granular biological resources data used in the completion of Environmental Impact Reports, unless [DFW] determines that releasing such data would pose a significant risk of harm to individuals of a species.

Currently, the [Energy Commission] receives both detailed biological resource maps generated by a project applicant and similar maps that the applicant obtains from [DFW], as part of the environmental impact assessment for proposed energy projects moving through the [Energy Commission's] site certification permitting programs. The resolution of these maps is governed by data-use guidelines publicly developed by [DFW] to protect the precise locations of sensitive species and biological resources, as higher resolution maps risk increasing poaching, collection and habitat disturbance in these locations.

Though this bill is well-intended, the risks associated with this divulgence of information and the added procedural requirements of a [DFW] determination on whether to divulge such information, if found harmful, are unnecessary, add additional process complexity, and likely won't yield additional mitigations or safeguards for species impacted by proposed energy projects."

COMMENTS

In 2023, the Energy Commission amended its regulations associated with the permitting of small power plants and updated Appendix B in Title 20 of the California Code of Regulations, which dictates the requirements of scale for public maps that contain information on biological resources. The change restricted public release of maps that contain biological resources at a scale greater than 1:350,000. Under the regulations, maps submitted at a scale of 1:6,100 must be submitted "under confidential cover."

Much of the biological resources data addressed by this bill comes from biological surveys done by the proponents of energy projects; however, some of the data may come from CNDDDB. CNDDDB is an inventory of the status and locations of rare plants and animals in California and is maintained by DFW. DFW staff work with partners to maintain current lists of rare species, as well as an ever-growing database of GIS-mapped locations for these species. CNDDDB is a "natural heritage program" and part of a network of similar programs in North America. CNDDDB data comes in the form of text information and spatial information and is used to help inform conservation decisions, aid in environmental review of projects and land use changes, and provide baseline data helpful in recovering endangered species and for research projects. CNDDDB data is available to the public at a coarse scale and to subscribers at a finer scale. This is to protect against "the very real possibility that some people will use the detailed information to do harm to species or its habitat" (CNDDDB Data Use Guidelines v4.2, 2011).

According to the Author

Changes the Energy Commission made to its regulations associated with permitting energy projects in 2023 have restricted the public release of maps that contain biological resources data "to a scale so general as to make it impossible for the public to participate in the permitting process effectively." This is a significant change in how state agencies have previously handled biological data and limits the public's ability to determine whether energy projects are developed in a manner that avoids and minimizes adverse impacts to sensitive species and their habitat.

"[This bill] remedies the [Energy Commission's] change in permitting practice by requiring that it make important biological information available to the public in a timely manner and at a reasonable scale to allow the public to participate effectively in the review and comment process associated with permitting. This bill is consistent with California's efforts to build a cleaner, more affordable, and equitable future while protecting our public trust resources and providing for meaningful public review and comment in our permitting processes."

Arguments in Support

The Defenders of Wildlife are the sponsor of this bill and argue that it "would provide the public with the necessary biological resource information to participate effectively and efficiently in the public review and comment processes associated with project permitting at the [Energy Commission]." Defenders of Wildlife notes that the Energy Commission amended its regulations pertaining to the handling of biological data in 2023 and cites dozens of requests for data associated with 10 energy projects that have been denied since this change. Defenders of Wildlife assert "the suppression of data and information renders the public review and comment process meaningless."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) The Energy Commission 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.
- 2) It is possible DFW may incur some costs as a result of this bill; however, DFW already has a statutory obligation to participate in Energy Commission proceedings. Though not required to do so by law, DFW already reviews maps and surveys for projects seeking certification through the Energy Commission process and provides the Energy Commission with an opinion as to the risks of disclosing this information publicly. It is not entirely clear if this bill requires DFW to do anything new, aside from providing a written determination, which is likely absorbable within existing resources.

VOTES

ASM WATER, PARKS, AND WILDLIFE: 8-3-2

YES: Papan, Ávila Farías, Bennett, Boerner, Caloza, Hart, Celeste Rodriguez, Rogers

NO: Jeff Gonzalez, Macedo, Tangipa

ABS, ABST OR NV: Alvarez, Bains

ASM APPROPRIATIONS: 11-3-1

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache

NO: Dixon, Ta, Tangipa

ABS, ABST OR NV: Sanchez

ASSEMBLY FLOOR: 61-15-3

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer- Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO: Castillo, Davies, DeMaio, Dixon, Ellis, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa

ABS, ABST OR NV: Chen, Flora, Blanca Rubio

SENATE FLOOR: 31-9-0

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird, Limón, McGuire, McNerney, Menjivar, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener

NO: Alvarado-Gil, Choi, Dahle, Grove, Jones, Niello, Seyarto, Strickland, Valladares

UPDATED

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