

# **Overview of Recent Developments in California Environmental Laws**

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## **FERC Licensed Hydropower Projects in California**

- **About 128 projects licensed**
- **About 10% of projects licensed**
- **Two licensed since 2007**
  - **Kern Canyon Project (2/2009)**
  - **Pitt 3, 4, and 5 Project (7/07)**

## Kern Canyon Hydroelectric Project (No. 178)

- Application filed on April 14, 2003. A 30-year license issued on February 25, 2009.
  - 11.475 MW Run-of-River Project
  - 11.26 acres on Federal land
  - License expired in 2005
- Application for 401 Certification filed in 2003, and issued in October, 2008.
- California Water Board set 25 conditions, including minimum flows, freshet flow releases, and monitoring.
- USFS filed 22 4(e) conditions, including conditions setting minimum flows.
- No 10(j) conditions were filed by agencies.
- As licensed price of power was about \$22.74/MWh.

## Legislative Developments

### **SB 375 Greenhouse Gas Emissions.**

- SB 375 seeks to encourage urban development decrease vehicle miles traveled, and ultimately reduce greenhouse gas (GHG) emissions. To achieve these goals, SB 375 implements a variety of land use and planning requirements and incentives.
- Setting of the Regional GHG Reduction Targets.
- New CEQA Exemptions and Streamlining Processes Implemented by SB 375.

## Legislative Developments

### **SB 562 Fishery Restoration.**

- Allocates \$180,000,000 in bond funds to the Department of Fish and Game for bay-delta and coastal fishery restoration projects. Of those funds, up to \$45,000,000 are available for appropriation for coastal salmon and steelhead fishery restoration projects that support the development and implementation of species recovery plans and strategies for salmonid species listed as threatened or endangered under state or federal law.

## Other Environmental Legislation (>70)

[SB 732](#) (development of guidelines and regulations for environmental initiative)

[SB 947](#) (consultation with transportation facilities under CEQA)

[SB 1285](#) (acquisition of resource conservation lands)

[SB 1646](#) (air pollution fees)

[SB 1662](#) (emission reduction offsets for Sacramento area)

[SB 155](#) (vapor recovery systems)

[SB 1781](#) (waste management)

[AB 2991](#) (air pollution research)

[AB 2522](#) (air pollution control district fees)

[AB 2945](#) (state parks and wilderness areas)

[AB 2922](#) (air pollution penalties: fuel containers)

[AB 2954](#) (San Francisco Bay restoration)

[AB 1225](#) (California Ocean Protection Trust Fund)

[AB 2222](#) (groundwater quality monitoring)

[AB 1358](#) (planning: transportation)

[AB 2729](#) (hazardous substances and underground storage tanks)

[AB 2680](#) (water bond loans)

[SB 1161](#) (petroleum underground storage tanks)

[AB 1898](#) (flood control funds for Napa River)

[AB 578](#) (energy study)

## Other Environmental Legislation

[AB 31](#) (parks and community development)

[SB 27](#) (Delta emergency preparedness)

[AB 2650](#) (vehicle air pollution)

[AB 1903](#) (liability regarding flood control and water conservation facilities)

[AB 2356](#) (water quality and funding)

[SB 1395](#) (lead plumbing)

[SB 1334](#) (drinking water pipes)

[AB 2901](#) (lead jewelry)

[AB 2765](#) (pesticides)

[AB 2763](#) (invasive pests)

[AB 2286](#) (hazardous waste)

[AB 2071](#) (plastic bags or containers)

[AB 1860](#) (unsafe products: recall or warning)

[SB 1739](#) (oil spill plan)

[AB 2935](#) (oil spill prevention and response)

[AB 2031](#) (oil spill prevention and response)

[SB 380](#) (**renewable energy resources**)

[AB 2804](#) (**solar initiative**)

[AB 2768](#) (**pricing of solar energy systems**)

[AB 2466](#) (**local government and renewable energy**)

## Other Environmental Legislation

[AB 2180](#) (solar energy systems)

[AB 1451](#) (property tax exclusion from solar energy systems)

[AB 2267](#) (energy incentives)

[SB 1723](#) (pesticide recycling and certification)

[AB 2857](#) (alternative rates for energy)

[AB 3081](#) (Sierra Nevada Conservancy)

[AB 1972](#) (solid waste)

[AB 2679](#) (solid waste)

[AB 3025](#) (polystyrene packaging)

[AB 2280](#) (density bonuses)

[AB 2069](#) (local planning)

[AB 2785](#) (wildlife conservation and habitat connectivity)

[AB 109](#) (alternative fuels and vehicle technologies)

[AB 3018](#) (green collar jobs)

[SB 1185](#) (subdivision maps)

[SB 607](#) (regulations for winegrowers)

[AB 2720](#) (technical changes to CEQA mandates)

[AB 1764](#) (Williamson Act definitions)

[SB 1431](#) (parks and recreation: easements)

## Recent Environmental Decisions (Wave Energy)

- October 16, 2008 Resolution (E-4196), California Public Utilities Commission rejected a power purchase agreement between Pacific Gas and Electric and Finavera Renewables, Inc. for the output of a 2 MW wave project in Humboldt County.
- The Commission determined that project was not viable, that the bid does not compare favorably to other bids, and that the PPA price is not reasonable (exceeds \$84/MWh).
- Commission explained “no industry consensus” on viable wave energy technologies.
- Resolution makes clear that projects using demonstrated technology have a better chance of securing Commission approval as they may have a pricing and reliability advantage.

## Klamath River Project Update

- Agreement in Principle reached in 2008 concerning removal of Klamath River Dams.
  - Interim Measures
  - Details of AIP Undergoing Development
- Interim Conservation Plan developed between PacifiCorp, NMFS, and USFWS addressing project operations during the interim period prior to fish passage.
  - Habitat Enhancement
  - Certain Operational Changes
  - Hatchery Measures
- Current status of Agreement in the Obama Administration