

**CALIFORNIA ENERGY COMMISSION**

1516 Ninth Street  
Sacramento, California 95814

Main website: [www.energy.ca.gov](http://www.energy.ca.gov)

**ITEM 15**

In the matter of:	)	Docket No.18-MISC-03
	)	
Renewable Energy for Agriculture Program	)	NOTICE OF BUSINESS MEETING
(REAP) Draft Guidelines	)	RE: Adoption of the Renewable
	)	Energy for Agriculture Program
	)	Draft Guidelines
	)	

## **Notice to Consider Adoption of the *Renewable Energy for Agriculture Program Draft Guidelines***

The Energy Commission will hold a business meeting on:

**Wednesday, November 7, 2018**

10:00 a.m.

CALIFORNIA ENERGY COMMISSION

1516 Ninth Street

First Floor, Art Rosenfeld Hearing Room

Sacramento, California 95814

(Wheelchair Accessible)

As part of the November 7, 2018, Business Meeting, the California Energy Commission will consider adopting the *Renewable Energy for Agriculture Program Draft Guidelines*.

More information about the November 7, 2018, Business Meeting, including the full agenda and instructions for participation is available on the Energy Commission's website at [https://www.energy.ca.gov/business\\_meetings/](https://www.energy.ca.gov/business_meetings/).

### **Background**

Assembly Bill 109 (Ting, Budget Act of 2017, Chapter 249, Statutes of 2017) provided \$6 million in Greenhouse Gas Reduction Fund monies to the Energy Commission to support renewable energy projects in the agriculture sector to reduce greenhouse gas emissions. Senate Bill 856 (Committee on Budget and Fiscal Review, Chapter 30, Statutes of 2018) provided an additional \$4 million in funding for these purposes. To implement these efforts, the Energy Commission developed the Renewable Energy for Agriculture Program (REAP) as a competitive grant program to support the installation of onsite renewable energy projects serving agricultural operations located in California.

As a program funded through California Climate Investments, REAP is designed with the primary goal of reducing greenhouse gas emissions, emphasizing projects in disadvantaged and low-income communities and is envisioned to foster projects with co-benefits serving the local community, benefitting public health, and reducing air pollution.

The proposed *Renewable Energy for Agriculture Program Draft Guidelines* describe the proposed REAP program structure, eligibility criteria for selecting projects for funding, solicitation procedures, project implementation requirements, project reporting, and statutory requirements. Information gathered from past workshops and public comment periods informed the content of the proposed *Draft Guidelines* now considered for adoption by the Energy Commission.

On October 8, 2018, the *Renewable Energy for Agriculture Program Draft Guidelines, Version 2*, was posted for public comment. Several comments were received, and some minor clarification changes were made to the current *Renewable Energy for Agriculture Program Draft Guidelines* under consideration for adoption.

The *Renewable Energy for Agriculture Program Draft Guidelines* Publication # CEC-300-2018-006-SD3 was released to the public on October 29, 2018, and is available at <https://www.energy.ca.gov/renewables/18-MISC-03/documents/>.

## Public Comment

**Oral comments.** The Energy Commission will accept oral comments during the meeting. Comments may be limited to three minutes per speaker. All comments will become part of the public record in this proceeding.

**Written comments.** Written comments should be submitted to the Energy Commission's e-commenting online system by 5:00 p.m. on November 2, 2018. Written comments will also be accepted at the meeting; however, the Energy Commission may not have time to review them before the conclusion of the meeting.

Please note that your written and oral comments, attachments, and associated contact information (e.g. your address, phone number, email address) become part of the viewable public record. This information may become available via Google, Yahoo, and other search engines.

The Energy Commission encourages use of its electronic commenting system.

1. Go to the Energy Commission's website: <https://www.energy.ca.gov/e-filing/>.
2. Click "Comment on a Proceeding" in the Additional Information box.
3. Type "18-MISC-03" into the Select a Proceeding field.
4. Click "Continue" to Add a Comment.
5. Commenters are required to input their full name, email address, and comment title. Comment title should be "Jane Doe or Company Name Comment re REAP Guidelines."

6. Type comments into the “Comment Text” field or upload a document with comments. Comments should be in a downloadable, searchable format such as Microsoft® Word (.doc or .docx) or Adobe® Acrobat® (.pdf).
7. Enter the CAPTCHA that is used to prevent spamming on the website. Then click on “Agree and Submit your Comments.”

For additional information, see Standing Order re: Proceedings and Confidentiality Procedural Requirements for Filing, Service, and Docketing Documents with the Energy Commission, available at [https://www.energy.ca.gov/commission/chief\\_counsel/docket.html](https://www.energy.ca.gov/commission/chief_counsel/docket.html).

If you prefer, you may send a paper copy of your comments to:

California Energy Commission  
Dockets Office, MS-4  
Re: **Docket No. 18-MISC-03**  
1516 Ninth Street  
Sacramento, CA 95814-5512

## **Public Adviser and Other Commission Contacts**

The Energy Commission's Public Adviser's Office provides the public assistance in participating in Energy Commission proceedings. If you want information on how to participate in this forum, please contact the Public Adviser, Alana Mathews, at [PublicAdviser@energy.ca.gov](mailto:PublicAdviser@energy.ca.gov) or (916) 654-4489 (toll free at (800) 822-6228).

If you need reasonable accommodation and require assistance to participate, please contact Yolanda Rushin at [yolanda.rushin@energy.ca.gov](mailto:yolanda.rushin@energy.ca.gov) or (916) 654-4310 at least five days in advance.

Media inquiries should be sent to the Media and Public Communications Office at [mediaoffice@energy.ca.gov](mailto:mediaoffice@energy.ca.gov) or (916) 654-4989.

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**DRAFT STAFF REPORT**

# **Renewable Energy for Agriculture Program DRAFT Guidelines**

**California Energy Commission**

Edmund G. Brown Jr., Governor

October 2018 | CEC-300-2018-006-SD3



# California Energy Commission

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Governor Brown signed AB 109 which directed the Energy Commission to create the Renewable Energy for Agriculture Program. The Energy Commission adopted this guideline at its business meeting on **[insert date]**.

## ACKNOWLEDGEMENTS

The California Energy Commission is grateful for the funding and technical support received from the California Climate Investments program to develop and implement the Renewable Energy for Agriculture Program.

The author wishes to thank those assisting in the development of the Renewable Energy for Agriculture Program and in particular all the stakeholders providing comments at workshops and to the Energy Commission staff.

### **California Air Resources Board**

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### **San Joaquin Valley Air Pollution Control District**

Other Contributors to the Guidelines include the following from the California Energy Commission: *Natalie Lee and Kathryn Colson.*



## ABSTRACT

The Renewable Energy for Agriculture Program Guidelines explains how the California Energy Commission's program will be administered and outlines terms and definitions.

Please use the following citation for this report:

Dodson, Geoffrey, and Sherrill Neidich. 2018. *Renewable Energy for Agriculture Program Guidelines*. California Energy Commission. Publication Number: CEC-300-2018-006-SD3.

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# Chapter 1: Introduction

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California's agricultural sector is a vital part of the State economy, and California's agricultural production is critical to global food security. Agricultural operations are also vulnerable to climate change. As the State moves forward to achieve its greenhouse gas (GHG) reduction goals for 2030 and 2050, it must also ensure that the agricultural sector remains vibrant and strong. The installation of onsite renewable energy technology offers agricultural operations an opportunity to reduce GHG emissions, increase energy reliability, and realize the benefits associated with reduced demand for grid electricity.

The Renewable Energy for Agriculture Program (REAP), funded under Assembly Bill (AB) 109 (Ting, Chapter 249, Statutes of 2017), provides grants for the installation of onsite renewable energy on agricultural operations in California, to reduce GHG emissions and further the purposes of AB 32 (Nunez, Chapter 488, Statutes of 2006) and Senate Bill (SB) 32 (Pavley, Chapter 249, Statutes of 2016). This program and these Guidelines were informed by the following activities and resources:

- Workshops conducted on February 27 and March 8, 2018, and public comments received from these workshops.
- Public comments received by March 26, 2018, on the REAP docket from stakeholders (Docket URL: <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=18-MISC-03>).
- Workshop conducted on June 20, 2018, and public comments received from this workshop
- Public comments received by June 29, 2018, on the REAP docket from stakeholders (Docket URL: <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=18-MISC-03>).
- Meetings with State agencies and industry associations implementing programs addressing the needs of the agricultural community, including the California Air Resources Board, the California Department of Food and Agriculture, the California Farm Bureau Federation, and the Strategic Growth Council.
- California Air Resources Board's, *Funding Guidelines for Agencies that Administer California Climate Investments* ([www.arb.ca.gov/ccifundingguidelines](http://www.arb.ca.gov/ccifundingguidelines)).

The goals of the program include accelerating the adoption of onsite renewable energy technologies on agricultural operations to accomplish a number of benefits including reducing GHG emissions, reducing demand for fossil fuels and grid electricity, and providing additional co-benefits to local communities.

These Renewable Energy for Agriculture Program Guidelines (Guidelines) provide potential applicants with information on how the program will be structured, who is

eligible to apply for funding, and what technologies are eligible, and the criteria that will be used to evaluate applications. The California Energy Commission (Energy Commission) will release at least one Grant Funding Opportunity (GFO) that will provide detailed instructions on how to submit a funding proposal for award consideration under REAP.

## **A. Background**

The REAP is a part of California Climate Investments funded by the Greenhouse Gas Reduction Fund (GGRF). All GGRF-funded programs must advance the goals of AB 32 and SB 32 as the primary program goal and each project must provide real and quantifiable GHG emission reductions. The REAP will fund the installation of onsite renewable energy technologies and related equipment that serve agricultural operations and that support achieving the State's long term GHG emissions reduction goals. The Energy Commission, in alignment with GGRF principles, will prioritize investing the funds in projects that achieve the highest GHG reductions, maximize benefits to priority populations, and are necessary to meet the State's climate goals.

Specific State legislation governing the REAP includes the following:

### **AB 32 – The Global Warming Solutions Act of 2006**

AB 32 created a comprehensive program mandating a reduction in California GHG emissions to 1990 levels by 2020. In implementing AB 32, the California Air Resources Board (CARB) developed a Scoping Plan that describes the approach California will take to reduce GHG emissions, including the Cap-and-Trade Program. CARB must update the plan every five years. Additional information can be found at:  
<http://www.arb.ca.gov/cc/ab32/ab32.htm>.

### **AB 1550**

AB 1550 (Gomez, Chapter 369, Statutes of 2016) amends existing SB 535 (DeLeon, Chapter 830, Statutes of 2012) to set investment minimums for GGRF projects in and benefiting disadvantaged communities and low-income communities to include the following requirements:

- A minimum of 25% of the proceeds to be invested in projects located within and benefitting individuals living in disadvantaged communities;
- An additional minimum of 5% be invested in projects located within and benefitting individuals living in low-income communities or benefitting low-income communities statewide; and
- An additional minimum of 5% be invested in projects that are located within and benefitting individuals living in low-income communities, or benefitting low-income households that are within one-half mile of a disadvantaged community.

Additional information can be found at  
<https://www.arb.ca.gov/cc/capandtrade/auctionproceeds/communityinvestments.htm>.

## **AB 109**

AB 109 (Ting, Chapter 249, Statutes of 2017) authorized \$6 million in GGRF funding for the Energy Commission to establish a grant program for projects that support the installation of onsite renewable energy technologies on agricultural operations to reduce GHG emissions.

## **AB 1532**

AB 1532 (Perez, Chapter 807, Statutes of 2012) requires Cap-and-Trade auction proceeds be used to facilitate achievement of GHG emission reductions. To the extent feasible, also how activities maximize economic, environmental, and public health benefits to the State; fosters job creation; complements efforts to improve air quality; direct investments toward disadvantaged communities; provide opportunities for businesses, public agencies, nonprofit organizations, and other community institutions to participate in and benefit from statewide efforts to reduce GHG emissions; and lessen impacts of climate change on the State's communities, economy, and environment.

## **SB 32**

SB 32 (Pavley, Chapter 249, Statutes of 2016) requires, in part, that the CARB adopt rules and regulations to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030.

## **SB 535**

Requires the California Environmental Protection Agency (CalEPA) to identify disadvantaged communities and requires CARB to provide guidance on maximizing benefits to these communities. In 2016, AB 1550 amended the investment minimums for disadvantaged communities and established new investment minimums for low-income communities and low-income households.

## **SB 856**

SB 856 (Budget and Fiscal Review Committee, Chapter 30, Statutes of 2018) authorized an additional \$4 million in GGRF funding for the Energy Commission's grant program authorized through AB 109 (Ting, Chapter 249, Statutes of 2017) for projects that support the installation of onsite renewable energy technologies on agricultural operations to reduce GHG emissions.

## **SB 1018**

SB 1018 (Budget and Fiscal Review Committee, Chapter 39, Statutes of 2012) established GGRF as the account to receive Cap-and-Trade auction proceeds and established accountability requirements to help ensure that GGRF expenditures achieve GHG reductions and further the purposes of AB 32. It also requires State agencies

appropriating monies from the GGRF to prepare an expenditure record showing how the monies will be used, how the expenditure advanced the regulatory purposes of AB 32, how the expenditure contributes to achieving and maintaining GHG emission reductions, how other non-GHG reduction objectives were considered, and how the results achieved from the expenditure will be documented.

## SB 862

SB 862 (Leno, Chapter 25, Statutes of 2014) provides funding appropriations from the GGRF to multiple agencies to reduce GHG emissions and provide investments in, and for the benefit of disadvantaged communities. SB 862 also requires CARB to develop guidance on quantification methodologies for estimating GHG emission reductions and co-benefits.

## B. Keywords/Terms

Table 1 identifies the key words or terms used in the REAP Guidelines.

**Table 1: Key Words and Terms**

Word/Term	Definition
AB	Assembly Bill
Agricultural operations	Agricultural operations is defined for the REAP as (1) the growing or harvesting of crops from soil, and the raising of plants at wholesale nurseries, but not retail nurseries, or the raising of fowl or animals for the primary purpose of making a profit, providing a livelihood, or conducting agricultural research or instruction by an educational institution, or (2) agricultural crop preparation services such as packinghouses, cotton gins, nut hullers and processors, dehydrators, and feed and grain mills. Agricultural crop preparation services include only the first processing after harvest, not subsequent processing, canning, or other similar activities. Forestry products or operations are not considered for the purposes of REAP.
CalEPA	California Environmental Protection Agency
CAM	Commission Agreement Manager
CARB	California Air Resources Board
California Climate Investments	An umbrella term and associated logo developed for the purpose of communication with funding recipients and the general public to identify programs or projects funded in whole or in part by the GGRF. For additional information, please refer to: <a href="http://www.caclimateinvestments.ca.gov">www.caclimateinvestments.ca.gov</a> .
CO <sub>2</sub> e	Carbon dioxide equivalent
Disadvantaged Communities	Areas that are disproportionately affected by multiple types of pollution and areas with vulnerable populations. Per SB

	535, CalEPA is responsible for identifying disadvantaged communities for the purposes of California Climate Investments. For additional information, please refer to: <a href="http://www.calepa.ca.gov/EnvJustice/GHGInvest">http://www.calepa.ca.gov/EnvJustice/GHGInvest</a> .
Energy Commission	California Energy Commission
GFO	Grant Funding Opportunity
GGRF	Greenhouse Gas Reduction Fund
GHG	Greenhouse gas
Grant Recipient	Those that receive an award under the REAP
GSS	Energy Commission Grant Solicitation System
Guidelines	Renewable Energy for Agriculture Program Guidelines
M&V	Measurement and verification
NOPA	Notice of Proposed Award
Priority Populations	Priority populations include residents of: (1) census tracts identified as disadvantaged by California Environmental Protection Agency per SB 535; (2) census tracts identified as low-income per AB 1550; or (3) a low-income household per AB 1550.
Project	A technology or a portfolio of technologies installed in a food processing facility that is contained in a grant application
Project life	The total operation period of funded equipment from installation to final operation or removal of equipment.
REAP	Renewable Energy for Agriculture Program
Related Equipment	Optional addition of battery storage or electric vehicle or equipment charging infrastructure used in agricultural operations
SB	Senate Bill
Solicitation	The document that requests grant applications from interested parties and includes all attachments, exhibits, any addendum and written notices and questions and answers. Solicitation may be used interchangeably with Grant Funding Opportunity.

# Chapter 2: Program Design

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## A. Quantification Methodology

CARB has a statutory role under SB 862 to develop a quantification methodology to estimate GHG emission reductions and other co-benefits from REAP projects. Installation of onsite renewable energy technologies shall reduce demand for other energy resources such as grid electricity and potentially natural gas or other fossil fuels. Further reductions in demand for grid electricity and fossil fuels can be accomplished with the installation of related equipment that serves agricultural operations. Reduction of fossil fuel demand will reduce criteria pollutants, which may improve local air quality in communities located near agricultural operations.

The REAP Quantification Methodology developed by CARB is based on a review of the available science, in close coordination with the Energy Commission, as well as academic consultants and other experts, as needed. The REAP Quantification Methodology is posted at [www.arb.ca.gov/cci-quantification](http://www.arb.ca.gov/cci-quantification). CARB has also developed co-benefit assessment methodologies for use in evaluating project co-benefits and key variables. These methodologies are available at: [www.arb.ca.gov/cci-cobenefits](http://www.arb.ca.gov/cci-cobenefits). CARB has released seven co-benefit assessments, which can be found at <https://www.arb.ca.gov/cc/capandtrade/auctionproceeds/cobenefits.htm>.

The REAP Quantification Methodology includes a number of project types that are eligible for funding from the REAP. Applicants whose projects include these project types must use the REAP quantification methodology. Applicants whose projects include project types not in the REAP Quantification Methodology must use for those project types the Energy Commission's prescribed methodology to estimate GHG reductions and co-benefits stated in the Measurement and Verification Section.

The REAP Benefits Calculator Tool automates methods described in the REAP Quantification Methodology, provides a link to a step-by-step user guide with project examples, and outlines documentation requirements. Projects will report the total project GHG emission reductions and co-benefits estimated using the REAP Benefits Calculator Tool as well as the total project GHG emission reductions per dollar of GGFR funds requested. The REAP Benefits Calculator Tool is available for download at: <http://www.arb.ca.gov/cci-resources>.

CARB may review and update quantification methodologies periodically, based on new information or public input to make them more robust, user-friendly, and ensure that they are appropriate for the projects being quantified.

## B. Measurement and Verification (M&V)

The REAP requires GHG emissions reductions be quantified as follows:

**Initial baseline and projected GHG emissions reductions.** An applicant must first develop baseline GHG emissions and baseline energy usage for the proposed project(s) based on specific characteristics of the onsite renewable energy technology to be installed along with any additional related equipment that serves agricultural operations. The estimates of baseline GHG emissions and energy usage can be derived from an energy assessment conducted by the applicant, the applicant's staff, private consultants, equipment vendors, utilities or others. There are a number of ways in which to conduct an energy assessment of the targeted equipment and the choice of the specific assessment protocol used is left to the applicant, but all assumptions and calculation methodologies to justify baseline energy usage and GHG emissions must be submitted with the application. A baseline energy usage assessment will typically include data from the most recent 12 months. The installation of onsite renewable energy technologies must result in a reduction of GHG emissions through reductions in the use of grid electricity or fossil fuels. Further, any related equipment that serves agricultural operations must result in additional GHG emissions reductions. Total benefits will be projected for the length of the project life. The Energy Commission will evaluate the estimates and assumptions of GHG emissions reductions and energy usage savings provided by the applicant in scoring proposals submitted for funding. The scoring criteria will favor those projects having the most potential to cost-effectively reduce GHG emissions along with other factors such as co-benefits provided, project cost share and benefits to priority populations. Statewide emission factors from the CARB website at [www.arb.ca.gov/cci-quantification](http://www.arb.ca.gov/cci-quantification) must be used in the emission reduction and co-benefit calculations as needed.

**Post-project M&V determination.** Projects awarded funding will be required to monitor and verify, for a period of three years, the performance of onsite renewable energy technologies and other related equipment that serves agricultural operations, to verify the GHG emissions, co-benefits, and fossil fuels and energy reductions realized. Applicants may choose to contract with independent third parties, in-house staff, local utilities, or others. Self-certification is acceptable. The Energy Commission or its agents reserves the right to conduct an audit of a sample of the projects to verify assumptions and estimates of energy usage savings and GHG emission reductions.

## C. Project Selection Requirements

### Program Objectives

The overarching implementation priority for REAP is to reduce GHG emissions through the installation of onsite renewable energy technology in agricultural operations, with funding awarded to projects that demonstrate a quantifiable reduction of GHG emissions. Projects additionally proposing the installation of related equipment that



serves agricultural operations must further demonstrate a quantifiable reduction of GHG emissions specific to this element of the proposal.

## **Eligibility Requirements**

### **Eligible Grant Applicants**

Eligible entities shall include private entities, local governments, academic, educational, and nonprofit organizations, joint powers authorities, and tribal governments.

Applicants must meet the following requirements:

1. Applicant must own or operate one or more agricultural operations (defined below) located in California that is/are the site for the proposed project.
2. If the applicant is the operator of the agricultural operation, the owner of the land on which the proposed project will be installed must provide written support for and approval of the proposed project, including approval of the right to operate for the duration of the project life.

For the REAP, funding will only be provided to projects proposed for implementation on properties engaged in agricultural operations as defined below and located in California:

“Agricultural operations” means (1) the growing or harvesting of crops from soil, and the raising of plants at wholesale nurseries, but not retail nurseries, or the raising of fowl or animals for the primary purpose of making a profit, providing a livelihood, or conducting agricultural research or instruction by an educational institution, or (2) agricultural crop preparation services such as packinghouses, cotton gins, nut hullers and processors, dehydrators, and feed and grain mills. Agricultural crop preparation services include only the first processing after harvest, not subsequent processing, canning, or other similar activities. Forestry products or operations are not considered for the purposes of REAP.

### **Eligible Activities and Priorities**

The priorities for this Program must be consistent with the “Funding Guidelines for Agencies that Administer California Climate Investments” (ARB 2018) and the 2017 and 2018 budget appropriation (AB 109 and SB 856, respectively).

### **Eligible Projects**

All projects are required to show a reduction in GHG emissions and install commercially available onsite renewable energy technology to serve agricultural operations. The most competitive projects will provide multiple co-benefits, including, but not limited to, a decrease in air pollution or additional community investments.

All eligible projects must include the installation of onsite commercially available renewable energy technology. Eligible onsite renewable energy technologies include:

- solar photovoltaic (PV) systems;
- wind turbines;
- biomass-to-energy generation;
- other commercially available renewable energy technologies.

Eligible projects include:

- The installation of one or more onsite renewable energy technologies listed above to serve the electrical demand of an agricultural operation.
- The replacement of equipment powered by fossil fuels with equipment powered by electricity as long as that equipment is also installed with an onsite renewable energy technology that directly serves the new equipment. Grid electricity may also serve the installed equipment but fossil fuel generators may not serve the equipment.
  - Such as the replacement of diesel powered irrigation pumps and equipment with electric pumps served by solar, wind or other onsite renewable energy technologies.

Optional addition: funding can be used for the following optional addition of related equipment, provided it is directly connected to the installed onsite renewable energy technology:

- battery energy storage;
- electric vehicle or equipment charging infrastructure for vehicles/tractors/equipment used in the agricultural operation. Grid electricity may also serve the charging station but fossil fuel generators may not serve the charging station.

A project installing onsite renewable energy technology is not required to be interconnected to the grid. Some examples of off-grid agricultural applications can include:

- the removal/replacement of diesel agricultural pumps for electrical pumps that are served at least in part by the installed onsite renewable energy technology;
- retrofits, upgrades, or replacements of existing equipment or installation of new equipment being served at least partially by the installed onsite renewable energy technology.

Projects proposed to install experimental or beta technology, including research and development projects are not eligible for REAP funding.

## **Funding**

Funding for the REAP will be awarded through a competitive GFO solicitation process as described in these Guidelines. REAP may award grants under one or two funding cycles, depending on the volume of qualified applications that are received in the initial application cycle. With one funding cycle, the maximum total amount of \$9.5 million may be awarded. With two funding cycles, a minimum total amount of \$5.7 million and \$3.8 million, respectively, will be awarded. The Energy Commission may conduct additional funding cycles if funds are available or additional funds are allocated to the REAP.

Projects requesting funding must request a minimum of \$25,000 and a maximum of \$300,000. The award maximum will be increased to up to \$350,000 for all eligible costs if an element of the proposed project is the installation of a new electric vehicle or agricultural equipment charger paired with onsite renewable energy technology.

The funding range allows for anywhere between 27 and 380 grant awards through the REAP program if all funding is awarded in one funding cycle.

If the applicant is leveraging or pursuing funding from multiple sources of the GGRF, the applicant must describe all existing or potential GGRF sources in the application materials.

## **Key Funding Deadlines**

The Energy Commission has two years to encumber funds from the budget authorization date and grant recipients have up to four years to be reimbursed for spent funds. The following are encumbrance and liquidation dates:

- All funds appropriated in FY 17/18 budget cycle must be encumbered in grant awards no later than June 30, 2019 (this means approval of a grant award by the Energy Commission).
- All funds appropriated in FY 18/19 budget cycle must be encumbered in grant awards no later than June 30, 2020 (this means approval of a grant award by the Energy Commission).
- Grant funds from FY budget cycle 17/18 must be spent by the grant recipient and reimbursed by the CEC no later than June 30, 2023.
- Grant funds from FY budget cycle 18/19 must be spent by the grant recipient and reimbursed by the CEC no later than June 30, 2024.

If additional funds are allocated to the REAP in the future, funding encumbrance and liquidation requirements will be delineated in future GFO's.

## Solicitation Procedures

A grant solicitation will be posted on the Energy Commission's website at <http://www.energy.ca.gov/contracts/>.

Information necessary to submit an application shall be provided in the grant solicitation and shall be consistent with these Guidelines. The grant solicitation shall include solicitation objectives, eligibility requirements, schedule, scoring criteria, application forms, and other required templates, along with the terms and conditions included in agreements for all awarded projects.

Energy Commission staff shall hold a pre-application workshop reviewing the solicitation process with potential applicants. Workshop attendance may be in person or via remote access. Participation is optional but strongly encouraged. The workshop shall provide an opportunity for potential applicants to ask questions on the solicitation and the application process. Following the workshop, Energy Commission staff shall provide an opportunity for interested parties to submit written questions about the solicitation. A response to all questions shall be posted on the Energy Commission's website as indicated in the solicitation. Any revisions, corrections, and clarifications on the solicitation shall also be posted on the Energy Commission website and announced through the appropriate listserv(s). An estimation of the grant solicitation schedule and project timeline is shown in Table 3. Exact dates shall be noted in the solicitation.

**Table 2: Estimated Solicitation and Project Timeline for Initial Funding Cycle**

<b>Solicitation/Project Item</b>	<b>Approximate Timeline</b>
Solicitation Release	December 2018
Pre-application Workshop	January 2019
Deadline for Written Questions	January 2019
Post Questions, Answers, and Addenda to Website	January 2019
Deadline to Submit Applications.	February 2019
Anticipated Notice of Proposed Awards	April 2019
Anticipated Business Meeting Date for Approval	May 2019
Latest End Date for Agreements Funded by FY 2017/18 Budget	June 30, 2023
Latest End Date for Agreements Funded by FY 2018/19 Budget	June 30, 2024

All applications shall be scored according to a set of selection criteria. When scoring for the solicitations is complete, the applications shall be ranked in order of final score and a Notice of Proposed Award (NOPA) shall be released providing the rank of each applicant based on overall score, including: applicant name, brief description of proposed project, funds requested and recommended funding amount, whether the project is expected to provide benefits to priority populations, and score status.

Funding shall first be awarded to the top ranked applicant with a passing score and then to the next ranked applicant until all funding is accounted for.

After the NOPA is released, all applicants shall be notified of the results, and an Energy Commission representative shall begin working with each awardee to develop an agreement for the awarded project. Once the agreements are finalized, they shall be presented and approved at an Energy Commission business meeting. After approval at an Energy Commission business meeting, the grant agreement shall be signed by all parties and work may begin on the project.

## D. Project Evaluation and Administrative Screening

Applications shall be evaluated and scored based on responses to the information requested in the solicitation. To evaluate applications, the Energy Commission shall organize an Evaluation Committee consisting of Energy Commission staff possessing applicable energy or agriculture operations expertise or both. Subject matter experts from other agencies may also be invited to serve as scorers or technical reviewers. Proposals shall be evaluated in two stages: application screening and technical scoring.

Application screening is a series of pass/fail administrative requirements as described in Table 3 below. Applications not passing all the administrative screening requirements are disqualified and shall not move on to the scoring stage. The following administrative screening criteria shall be used in the REAP:

**Table 3: Application Screening Criteria**

<b>Screening Criteria</b>
<i>The applications must pass ALL screening criteria to progress to Stage 2.</i>
• The application is received by the due date and time specified in the solicitation.
• The application is submitted and the form is signed.
• The requested funding falls within the minimum and maximum range specified in the solicitation.
• If the applicant has submitted more than one application, each application is for a distinct project.
• If applicant is the property owner, the proposal identifies and provides evidence of property ownership for all affected parcels.
• If the applicant is the operator of the agricultural operation, the owner of the land on which the proposed project will be installed must provide written support for and approval of the proposed project, including approval of the right to operate for the duration of the project life.

Proposals passing the application screening process are then scored by an Evaluation Committee. The following are the technical scoring criteria that shall be used for the REAP (Table 4):

**Table 4: Technical Scoring Criteria**

<b>Technical Scoring Criteria</b>
<p><b>1. Applicant and Project Eligibility</b></p> <ul style="list-style-type: none"> <li>i. Describes the agricultural operation, and how it meets the definition for an eligible agricultural operation.</li> <li>ii. Demonstrates the applicant and project have met all eligibility requirements as specified in the applicable funding tier.</li> </ul>
<p><b>2. Technical Merit and Need</b></p> <ul style="list-style-type: none"> <li>a. Justifies the proposed project uses commercially available eligible technologies; and</li> <li>b. Justifies that the proposed project will provide quantifiable GHG emission reductions.</li> <li>c. Proposal has included printouts from the populated 2018-2019 Renewable Energy for Agriculture Program Calculator, required by the CARB-approved quantification methodology if available, or includes completed estimates consistent with the required approach described in the solicitation documents.</li> </ul>
<p><b>3. Technical Approach</b></p> <ul style="list-style-type: none"> <li>a. Describes the approach to performing the work with a clear description of all project task and subtasks, with identified outcomes and deliverables.</li> <li>b. Identifies and discusses factors critical for success, such as risks, barriers, environmental permitting and CEQA, schedules for operations, climate or weather considerations, and other limitations, and how these will be addressed to successfully complete the project within the grant term.</li> <li>c. Describes how the knowledge gained will be shared with others.</li> </ul>
<p><b>4. Impacts and Benefits</b></p> <ul style="list-style-type: none"> <li>a. Provides justifiable and reasonable quantitative estimates of: 1) annual GHG emission reductions at the applicant’s agricultural operation, and 2) other potential benefits for California including the following (as applicable): direct and indirect annual electricity, fossil fuel and thermal savings, (kilowatt-hour, therms, Btu), energy cost reductions, other air emission reductions (e.g., nitrogen oxides (NOx)), and any other co-benefits.</li> <li>b. Identifies the benefits to be provided by the project tasks and who will receive the identified benefits.</li> <li>c. Provides cost benefit analysis comparing Energy Commission funds requested relative to estimated GHG emission reductions (e.g., Energy Commission dollars requested/ton of GHG emissions reduced).</li> <li>d. States the timeframe, assumptions, and calculations for the estimated benefits, and explains their reasonableness.</li> </ul>

e. Provides a clear and plausible M&V plan that describes how GHG emission reductions, energy savings, and other benefits (specified in item 4.a. of the technical scoring criteria) will be determined.
<b>5. Preference Considerations</b> <ul style="list-style-type: none"> <li>a. Project is in a geographic area that has received a lower level of GGRF funding support compared to other areas or is in an area not represented in other proposals submitted under REAP.</li> <li>b. Project applicant shall provide match funding.</li> <li>c. Equipment selected for installation is purchased from a California-based vendor.</li> </ul>
<b>6. Priority Population Considerations</b> <ul style="list-style-type: none"> <li>a. Proposal describes and provides supporting documentation to illustrate the project shall be located in or provide benefits to a disadvantaged or low-income community or low-income households, properly applying all definitions and requirements for making such a claim.</li> </ul>

Once the scoring process is complete, a NOPA will be developed as described previously.

## E. Maximizing Benefits to Priority Populations

The Energy Commission aim to award the following minimum percentage of funds to projects in priority populations:

- A minimum of 25 percent of funds to projects located within and benefiting disadvantaged communities (CalEnviroScreen 3.0 model<sup>1</sup>).
- A minimum of 5 percent of funds to projects within and benefiting AB 1550 low-income communities (at or below 80 percent of the statewide median income).
- A minimum of 5 percent of funds to projects located within and benefiting AB 1550 low-income communities within a half-mile of a disadvantaged community.

These expenditures shall result in the installation of onsite renewable energy technologies, some of which shall be installed in agricultural operations located in disadvantaged and/or low-income communities, and could result in reduced criteria and toxic air pollutant emissions and other benefits.

All solicitations shall provide preference points for projects located in and benefiting priority populations. Applicants must describe their efforts to determine and meaningfully address common needs of priority populations. Preference points will be awarded based on whether the project meets the requirements indicated in CARB

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<sup>1</sup> <http://calepa.ca.gov/EnvJustice/GHGInvest/>.

guidance, available at: <https://ww2.arb.ca.gov/resources/documents/ci-quantification-benefits-and-reporting-materials>.

Projects claiming to benefit priority populations must be designed to avoid substantial burdens (e.g., displacement of residents and businesses in priority populations, or increased exposure to toxics or other health risks). The interactive mapping tool to identify disadvantaged and low-income communities is posted at: [www.arb.ca.gov/ci-communityinvestments](http://www.arb.ca.gov/ci-communityinvestments).

## **F. Project Implementation Requirements**

Upon notification of the grant award, a project agreement is developed establishing a business relationship between the Energy Commission and the recipient of the REAP award. The grant agreement includes a Scope of Work, Project Budget, Project Schedule, general Terms and Conditions. A CAM shall be assigned to the project and shall be responsible for coordinating with funding recipients to guide agreement development, provide project oversight, and serve as the Energy Commission's point of contact for stakeholders interested in receiving more information about the project.

All recipients shall be required to participate in a kickoff meeting to establish deliverable expectations, roles and responsibilities, accounting procedures, and reporting requirements; submit periodic progress reports to ensure the recipient is complying with the task schedule specified in the grant agreement; and provide required deliverables as specified in the Scope of Work.

Some REAP projects may include one or more critical project review meetings at a pre-designated milestone(s) in which the CAM shall review the progress to date and determine whether the progress to date justifies proceeding to the next phase of the project and/or make necessary corrections to ensure project success. For all projects, CAMs may call a critical project review at any time during the project, if the CAM believes there is a significant issue with the progress or administration of the project that needs to be discussed, and could result in a change to the project or termination.

Periodic project progress reports are required describing project progress to date. These reports are generally required quarterly. The Energy Commission CAM shall identify the necessary reporting frequency. A final report, which will document total performance for the project, shall be due before the agreement end date.

### **Program Recognition**

All recipients are required to post a sign at the project site recognizing project funding was provided by the California Energy Commission and California Climate Investments. The recipient shall also use the California Climate Investments logo and the California Energy Commission logo on any project announcements, flyers, and new releases.



# **Chapter 3: Administrative Requirements During Project Implementation**

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## **A. Invoicing**

- Recipients may bill the Energy Commission for non-match portions of eligible incurred costs appearing in the approved budget (such as a paid invoice to a supplier, vendor, outside contractor) during the project. Additional information on invoicing requirements can be found in the solicitation and the terms and conditions.
- Retention of Grant Funds. The Energy Commission shall retain 10 percent of the final project dollar amount awarded for release at the satisfactory conclusion of the project.

## **B. Prevailing Wage**

- Projects receiving an award of public funds from the Energy Commission often involve construction, alteration, demolition, installation, repair, or maintenance work more than \$1,000. For this reason, projects receiving an award of public funds from the Energy Commission are likely to be considered public works under the California Labor Code. See Chapter 1 of Part 7 of Division 2 of the California Labor Code, commencing with Section 1720 and Title 8, California Code of Regulations, Chapter 8, Subchapter 3, commencing with Section 16000. Public works projects require the payment of prevailing wages. Prevailing wage rates can be significantly higher than non-prevailing wage rates. If the recipient does not believe the project is a public works project, the recipient is responsible for obtaining a legally binding determination from the Department of Industrial Relations or a court of competent jurisdiction before work begins on the project that the proposed project is not a public work. The recipient is fully responsible for complying with all California public works requirements, including but not limited to payment of prevailing wage.
- If outside contractor labor is used, the contractor shall be paid at the prevailing wage for their particular trade as established by the California Department of Industrial Relations. Projects must comply with any applicable laws pertaining to prevailing wage and labor compliance.

## **C. Audits and Access to Facilities**

- Upon written request from the Energy Commission, applicants and recipients must provide all project documents, including detailed documentation of all planned and paid expenses; allow the Energy Commission or its designee access to project facilities and records; and allow the Energy Commission or its designee to collect project-related data, including the data required to measure and verify natural gas, electricity, and GHG emission reductions. Further, if requested, the applicant or recipient must provide the Energy Commission or its designee associated data from a period before the start of the project as

necessary to establish baseline data, such as energy usage and GHG emissions. Audits or program reviews may occur at any time during program implementation or after projects are completed.

- All GGRF administering agencies including the Energy Commission are subject to legislative and administration oversight, including audits by the California State Auditor, Department of Finance, other State oversight agencies, or a third-party auditor.

## **D. Record Retention**

- Recipients must retain all project records (including financial records, progress reports, payment requests, and electricity and fuel use reduction documentation) for a minimum of three years from the date of the final payment. Recipients must include the above audit, record retention, and access rights in any subcontract or subgrant.

## **E. Use and Disclosure of Information and Records and Confidentiality**

Information received by the Commission in response to a solicitation shall be kept confidential before the posting of the NOPA. However, with very few exceptions, all project documents submitted to the Energy Commission or its technical consultant(s), including as part of any audit, are considered public records subject to disclosure under the California Public Records Act. The Energy Commission or other State agencies may also use any of these documents or information for any purpose, including to determine eligibility and compliance with the REAP, applicable law, or a particular solicitation document, or to evaluate related or relevant programs or program elements, or to prepare reports. These documents and information include, but are not limited to: applications for funding, the agreement itself, invoices and any documentation submitted in support of applications, all agreement deliverables, final project report, and documents prepared for other reporting requirements, materials and documents developed as part of technology transfer activities.

If the Energy Commission requires an applicant or recipient to provide copies of records that the recipient believes contain confidential/proprietary information entitled to protection under the California Public Records Act or other law, the recipient may request that such records be designated confidential according to the Energy Commission's regulations for confidential designation, Title 20, California Code of Regulations, Section 2505.

Applicants considering confidentiality should note that GGRF funds are subject to information disclosure requirements to ensure transparency. Information concerning the identity of recipients and the grant amount is public information and will be disclosed according to the California Public Records Act. This information, as well as other public information, may also be disclosed through the Energy Commission's website, another State of California agency website, or through other means.

Please note that the Energy Commission can disclose confidential information and records to other governmental entities and policing authorities for civil and criminal investigation and enforcement.

## **F. Enforcement**

The Energy Commission can take any and all actions necessary to enforce the Energy Commission's rights.

### **Recovery of Overpayment**

The Energy Commission may direct the Energy Commission's Office of Chief Counsel to commence formal legal action against any applicant, former applicant, or recipient to recover any portion of a payment under a grant agreement that the Executive Director determines the applicant, former applicant, or recipient was not otherwise entitled to receive.

### **Fraud and Misrepresentation**

The Executive Director may initiate an investigation of any applicant that the Executive Director has reason to believe may have misstated, falsified, or misrepresented information in submitting a reservation application, payment claim, or reporting any information required by these Guidelines. Based on the results of the investigation, the Executive Director may take any action deemed appropriate, including, but not limited to, termination of the agreement, recovery of any overpayment, and, with the concurrence of the Energy Commission, recommending the Attorney General initiate an investigation and prosecution under Government Code Section 12650, et seq., or other provisions of law.

### **Noncompliance with Agreement**

The Energy Commission may seek remedies for noncompliance with agreement terms, work scope, project milestones, and estimated GHG reductions including without limitation stop work, termination, recovery of funds, or any other administrative or civil action.

## **G. REAP Guideline Authority**

These REAP Guidelines are adopted under Assembly Bill (AB) 109 (Ting, Chapter 249, Statutes of 2017, Section 32) and Public Resources Code Section 25218(e). In AB 109, Section 32, the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of the Government Code) does not apply to Guidelines or other standards adopted and used by a State agency in administering an allocation of moneys from the GGRF.

If future budget cycles allocate additional funds to the REAP, these Guidelines will apply, unless amended or replaced at an Energy Commission business meeting.

The latest CARB guidance is available at: [www.arb.ca.gov/cci-fundingguidelines](http://www.arb.ca.gov/cci-fundingguidelines).

## **H. REAP Guideline Interpretation**

Nothing in these REAP Guidelines is construed to abridge the powers or authority of the Energy Commission.

## **I. Effective Date of the REAP Guidelines**

These REAP Guidelines are not effective until adopted by the Energy Commission at a publicly-noticed Business Meeting. The Energy Commission will post the adopted Guidelines on its website: <http://www.energy.ca.gov/renewables/18-MISC-03/>.

Applicants may also obtain the REAP Guidelines by contacting:

California Energy Commission  
Renewable Energy for Agriculture Program  
1516 Ninth Street, MS-45  
Sacramento, CA 95814

[Geoffrey.Dodson@energy.ca.gov](mailto:Geoffrey.Dodson@energy.ca.gov)

## **J. Substantive Changes to the REAP Guidelines**

The Energy Commission can make changes to these REAP Guidelines from time to time. Changes will take effect after adoption by the Energy Commission at a publicly-noticed business meeting. Substantive changes to the REAP program design may include but are not limited to:

- changes in evaluation criteria;
- changes in funding criteria for determining award amount to conform to statutory changes;
- changes in eligibility.

### **Non-substantive Changes to the REAP Guidelines**

If the final REAP Guidelines require non-substantive changes, the Energy Commission shall provide a notice of the changes to the REAP email listserv (renewagprogram) and post the amended Guidelines on the REAP Web page.

## Chapter 4: Project Tracking and Metrics

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The recipient must track and document detailed project-level information as it relates to energy savings, GHG emissions reductions, and co-benefits throughout the term of the project. The format in which this information is to be tracked and reported shall be developed with the CAM. This information is to be retained for three years following completion of the project.

For further information, see the “Quantification Methodology” section in Chapter 2.

# Chapter 5: Reporting

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Recipients of GGRF funds must submit reports on expenditures, investment benefits, and project outcomes, per CARB guidance. General CARB reporting guidance can be found at <http://www.arb.ca.gov/cci-quantification>. Recipients shall provide quarterly reports on all projects during the term of the agreement with the Energy Commission and for a period specified by CARB to meet project outcome reporting requirements. These requirements shall be specified in the solicitation and could exceed the Energy Commission's grant term.

Reporting shall follow the format provided by the Energy Commission, consistent with the project type-specific reporting requirements in CARB guidance.

Information to be reported includes, but is not limited to:

- recipient name;
- project description;
- project location;
- census tract;
- assessor Parcel Number (APN);
- dates: project selected and completed;
- GGRF dollars allocated;
- leveraged and/or match funds;
- estimated/actual total project GHG emission reductions;
- estimated/actual energy generated (kilowatts or therm equivalents) for onsite renewable energy projects;
- estimated/actual job creation benefits, such as job-years provided, or number of people completing job training or certification;
- other benefits or results; and
- benefits to priority populations.

# Memorandum

To: Chair Weisenmiller  
Commissioner Douglas  
Commissioner Hochschild  
Commissioner McAllister  
Commissioner Scott

Date: October 29, 2018

From: Kathryn Colson, Attorney  
Office of the Chief Counsel

Subject: Proposed California Environmental Quality Act Compliance  
Regarding Adoption of the Renewable Energy for Agriculture Program Guidelines

At the November 7, 2018 Commission business meeting, staff from the Commission's Renewable Energy Division plan to propose the *Renewable Energy for Agriculture Program Draft Guidelines* ("Guidelines") for the Commission's consideration and adoption.

Based on a review of California Environmental Quality Act ("CEQA," Public Resources Code § 21000 et seq.) and the pertinent legal authority, I recommend the Commission find that approving the *Guidelines* is exempt from CEQA under California Code of Regulations, title 14, section 15308 for actions taken by regulatory agencies, as authorized by state law, for the protection of the environment and the common sense exemption.

## Background

The Renewable Energy for Agriculture Program is a Greenhouse Gas Reduction Fund (GGRF) program created and funded by AB 109 (Ting, Chapter 249, Statutes of 2017) and SB 856 (Committee on Budget and Fiscal Review, Chapter 30, Statutes of 2018). All GGRF-funded programs must advance AB 32 (Nunez, Chapter 488, Statutes of 2006) as the primary program goal and each project must provide real and quantifiable greenhouse gas emission reductions. The Renewable Energy for Agriculture Program will provide grants for the installation of onsite renewable energy technology on agricultural operations in California to reduce greenhouse gas emissions which increasing energy reliability, reducing demand for grid electricity and fossil fuels, and providing additional co-benefits to local communities.

## Adoption of Guidelines

Actions taken by regulatory agencies, as authorized by state law, to assure the maintenance, restoration, enhancement or protection of the environment where the regulatory process involves procedures for protection of the environment are categorically exempt from CEQA. (14 Cal. Code of Regulations, § 15308). The Energy Commission is acting pursuant to AB 109, SB 856 and Public Resources Code section

25218(e) (Warren-Alquist Act) to adopt the proposed *Guidelines*. The adoption of the *Guidelines* involves procedures for the protection of the environment by setting out the program design, project selection criteria, and administrative requirements for the Renewable Energy for Agriculture Program that requires the reduction of greenhouse gas emissions.

California's agricultural sector is a vital part of the State economy, and California's agricultural production is critical to global food security. As the State moves forward to achieve its greenhouse gas reduction goals for 2030 and 2050, it must also ensure that the agricultural sector remains vibrant and strong. The Renewable Energy for Agriculture Program will assure maintenance, enhancement and protection of the environment because all projects funded by this program must reduce greenhouse gas emissions in agricultural operations in California. The program will fund onsite renewable energy technologies and the replacement of equipment powered by fossil fuels with equipment powered by electricity that will directly and indirectly reduce greenhouse gas emissions. The adoption of the *Guidelines* does not include any relaxing of standards allowing environmental degradation or construction activities. No unusual circumstances are reasonably expected to cause significant effects on the environment related to the adoption of the *Guidelines*.

In addition, the *Guidelines* adoption falls within the "common sense" exemption (14 Cal. Code of Regulations, § 15061(b)(3)). This exemption indicates that CEQA only applies to projects that have the potential for causing a significant effect on the environment. A significant effect on the environment is defined as substantial, or potentially substantial, adverse change in the environment. (Pub. Resources Code, § 21068; 14 Cal. Code of Regulations, § 15382). The *Guidelines* will not create an adverse change to the environment because they simply establish eligibility criteria and administrative rules for a grant program to fund renewable energy in agriculture. Specific projects will be proposed as part of future solicitations. Those specific projects will be considered by the California Energy Commission at a future business meeting along with any potential environmental impacts of the specific project. Adoption of the *Guidelines* does not commit the Energy Commission to any definite course of action. Additionally, there is no binding commitment to spend funds in a particular manner or enough specific information about future projects to warrant environmental review at this time. It can therefore be seen with certainty that there is no possibility that adoption of the *Guidelines* may have a significant effect on the environment. Consequently, the adoption of the *Guidelines* is exempt from CEQA.



STATE OF CALIFORNIA

ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION

In the Matter of:

**RENEWABLE ENERGY FOR  
AGRICULTURE PROGRAM**

) Docket No. 18-MISC-03  
) Resolution No: 18-1107-15  
)  
)  
)  
) Renewable Energy for  
) Agriculture Program  
) Guidelines  
)  
)  
)

**WHEREAS**, the Renewable Energy for Agriculture Program, funded by Assembly Bill 109 (Ting, Chapter 249, Statutes of 2017) and Senate Bill 856 (Committee on Budget and Fiscal Review, Chapter 30, Statutes of 2018) and administered by the California Energy Commission, provides grants for the installation of onsite renewable energy technology on agricultural operations in California to reduce greenhouse gas emissions while increasing energy reliability, reducing demand for grid electricity and fossil fuels, and providing additional co-benefits to local communities; and

**WHEREAS**, funding for the program comes from the California Climate Investments initiative (Greenhouse Gas Reduction Fund) and all funded projects must reduce greenhouse gas emissions and further the purposes of Assembly Bill 32 (Nunez, Chapter 488, Statutes of 2006) and related statutes; and

**WHEREAS**, the *Renewable Energy for Agriculture Program Guidelines (REAP Guidelines)*, developed pursuant to Assembly Bill 109, Senate Bill 856 and Public Resources Code section 25218(e), provides details on how the California Energy Commission will administer the program and include information on program design, project selection and administrative requirements; and

**WHEREAS**, the development of the *REAP Guidelines* has benefitted from three public workshops, meetings with State agencies and industry associations implementing programs addressing the needs of the agricultural community, as well as, written comments submitted by the public and stakeholders to the docket; and

**WHEREAS**, after considering all the materials and comments received, the California Energy Commission staff, with guidance and input from Lead Commissioner for

Renewables Commissioner Hochschild, released the latest draft of the *REAP Guidelines* on October 29, 2018. The *REAP Guidelines* set forth the types of projects eligible for funding and administrative requirements; and

**WHEREAS**, the California Energy Commission staff will develop solicitations and grants in the ensuing fiscal years to implement the Renewable Energy for Agriculture Program consistent with the *REAP Guidelines*; and

**WHEREAS**, the California Energy Commission has considered the application of the California Environmental Quality Act (CEQA) to the adoption of the *REAP Guidelines*, and concludes that the *REAP Guidelines* is exempt from CEQA, either because it fits within activities categorically exempt from CEQA as a “actions taken by regulatory agencies, as authorized by state law or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment” (14 California Code of Regulations section 15308)) or because the action is exempt under the “common sense” exception (14 California Code of Regulations section 15061(b)(3)). The *REAP Guidelines* proposes funding for categories of activities and other administrative procedures, but decisions to fund specific projects will be made by California Energy Commission at a future date through a competitive solicitation process.

**THEREFORE BE IT RESOLVED**, the California Energy Commission hereby finds the adoption of the *REAP Guidelines* to be exempt from CEQA, under categorical exemption California Code of Regulations, title 14, section 15308, actions by regulatory agencies for protection of the environment, and the common sense exemption, adopts the *REAP Guidelines* with any errata approved at the November 7, 2018 Business Meeting, and authorizes the Executive Director or his designee to implement the Renewable Energy for Agriculture Program consistent with the *REAP Guidelines*.

### **CERTIFICATION**

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the California Energy Commission held on November 7, 2018.

AYE:

NAY:

ABSENT:

ABSTAIN:

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Cody Goldthrite  
Secretariat