



Item 08: Small Power Plant Exemption Rulemaking

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Jared Babula, Senior Staff Attorney
Chief Counsel's Office, California Energy Commission



SPPE Rulemaking Package

- The **SPPE Rulemaking Express Terms Package** has two parts:
 - **SPPE Regulations** at California Code of Regulations, title 20, sections 1934-1947
 - **Appendix B** – Contains a list of data that must be submitted in applications for certification or exemption from certification
- **SPPE Regulations** approved by Office of Administrative Law (OAL) in December 2022
- **Appendix B** was withdrawn so that the Initial Statement of Reasons (ISOR) could be supplemented to further justify proposed changes.
 - Note: The proposed Appendix B changes align with California Department of Fish and Wildlife (CDFW) published guidance on disclosure of sensitive biological resource maps.



Supplemental ISOR for Appendix B

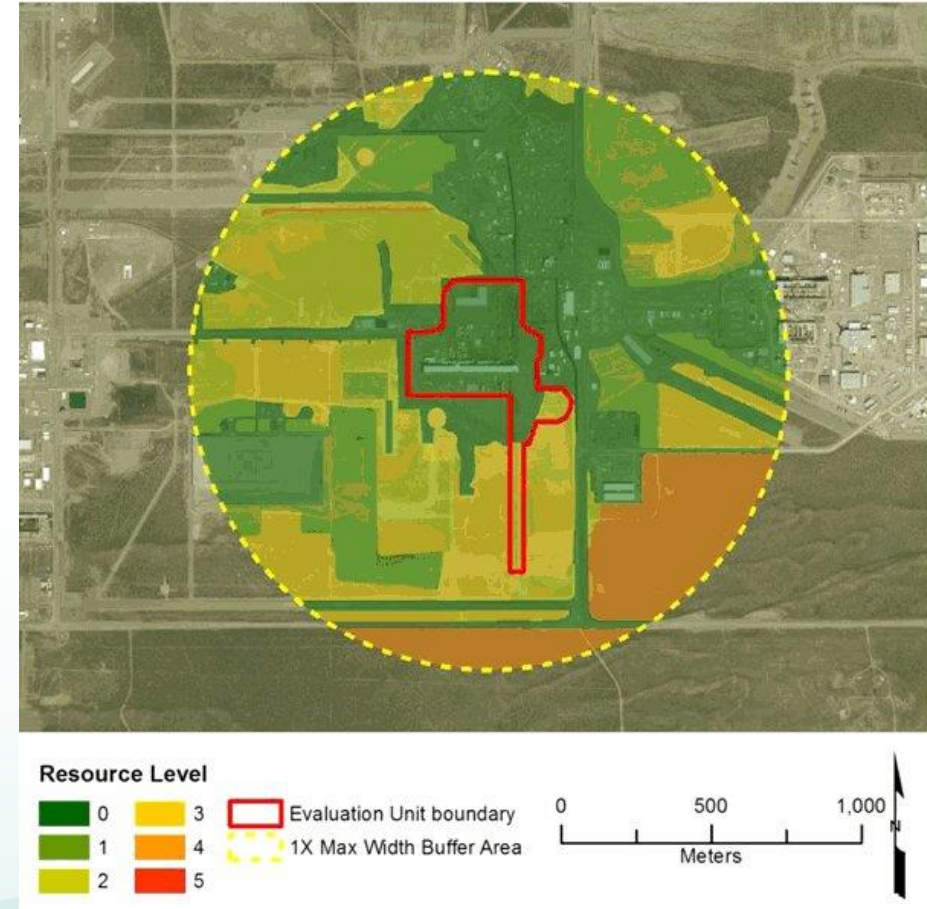
- Supplemental ISOR published on April 26, 2023
- 15-day comment period on supplemental ISOR
- No substantive changes to Appendix B as approved by CEC in October 2022
- Appendix B requires high resolution maps to be submitted under confidential cover.





Comment and Staff Response

- Public comment: Fine resolution biological resources maps should not be confidential, regardless of sensitive species information being disclosed.
- CEC met with commenters and California Department of Fish and Wildlife
- CEC staff filed a response to the public comment in the rulemaking docket





Proposed Action

- Staff recommends that CEC approve the resolution:
 - Readopting the California Code of Regulations, title 20, Appendix B amendments.
 - Finding readoption of Appendix B amendments in 21-OIR-04 is not a project under CEQA or alternatively is exempt from CEQA.