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SB-605 Wave and tidal energy. (2023-2024)

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Senate Bill No. 605

CHAPTER 405

An act to add Chapter 18 (commencing with Section 25996) to Division 15 of, and to repeal Section 25996.1 of, the Public Resources Code, relating to energy.

[Approved by Governor October 07, 2023. Filed with Secretary of State October 07, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

SB 605, Padilla. Wave and tidal energy.

Existing law requires the State Energy Resources Conservation and Development Commission (Energy Commission) to undertake various actions in furtherance of meeting the state's clean energy and pollution reduction objectives, including actions related to energy infrastructure.

This bill would require the Energy Commission, as part of a specified 2024 energy policy review, in consultation with other appropriate state agencies to evaluate the feasibility, costs, and benefits of using wave energy and tidal energy, as specified. The bill would require the commission, in coordination and consultation with the California Coastal Commission, the Department of Fish and Wildlife, the Ocean Protection Council, and the State Lands Commission, to work with other state and local agencies and stakeholders to identify suitable sea space for offshore wave energy and tidal energy projects in state and federal waters. The bill would require the Energy Commission to submit a written report to the Governor and the Legislature on or before January 1, 2025, that includes a summary of findings from the evaluation and considerations that may inform legislative and executive actions, as specified.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 18 (commencing with Section 25996) is added to Division 15 of the Public Resources Code, to read:

CHAPTER 18. Wave Energy and Tidal Energy

25996. (a) As part of the 2024 energy policy review prepared pursuant to subdivision (c) of Section 25302, the commission, in consultation with other appropriate state agencies, including, but not limited to, the Ocean Protection Council, the Department of Fish and Wildlife, the State Lands Commission, and the California Coastal Commission, shall evaluate the feasibility, costs, and benefits of using wave energy and tidal energy as forms of clean energy in the state.

(b) For purposes of the evaluation identified in subdivision (a), the commission shall do all of the following:

(1) Evaluate factors that may contribute to the increased use of wave energy and tidal energy in the state.

(2) Provide findings on the latest research about the technological and economic feasibility of deploying offshore wave and tidal energy in the state.

(3) Evaluate wave energy and tidal energy project potential transmission needs and permitting requirements.

(4) Evaluate wave energy and tidal energy project economic and workforce development needs.

(5) Identify near-term actions, particularly related to investments and the workforce for wave energy and tidal energy projects, to maximize job creation and economic development, while considering affordable electric rates and bills.

(6) Identify a robust monitoring strategy designed to gather sufficient data to evaluate the impacts from wave energy and tidal energy projects to marine and tidal ecosystems and affected species, including, but not limited to, fish, marine mammals, and aquatic plants, to inform adaptive management of the projects.

(c) (1) The commission, in coordination and consultation with the California Coastal Commission, the Department of Fish and Wildlife, the Ocean Protection Council, and the State Lands Commission, shall work with other state and local agencies, the offshore wave energy and tidal energy industry, the commercial and recreational fishing communities, California Native American tribes, nongovernmental organizations, and other stakeholders to identify suitable sea space for offshore wave energy and tidal energy projects in state and federal waters.

(2) For purposes of identifying suitable sea space, the commission shall consider all of the following:

(A) Existing data and information on offshore wave energy and tidal energy resource potential and commercial viability.

(B) Existing transmission facilities and infrastructure, and necessary additional transmission facilities and infrastructure.

(C) Protection of cultural and biological resources with the goal of prioritizing ocean areas that pose the least conflict to those resources.

(3) For purposes of this subdivision, the commission shall incorporate the information developed by the federal Bureau of Ocean Energy Management's California Intergovernmental Renewable Energy Task Force, as applicable.

(4) The commission, in coordination and consultation with the California Coastal Commission, Department of Fish and Wildlife, Ocean Protection Council, State Lands Commission, other state and local agencies, the offshore wind energy industry, the commercial and recreational fishing communities, California Native American tribes, nongovernmental organizations, and other stakeholders, shall identify measures that would avoid, minimize, and mitigate significant adverse environmental and ecosystem impacts and use conflicts, and for monitoring and adaptive management for offshore wave energy and tidal energy projects, consistent with California's long-term goals relating to renewable energy, reduction of greenhouse gas emissions, and biodiversity.

(5) Nothing in this subdivision modifies the authority of any state agency over project-specific siting and permitting.

(6) The commission shall seek to coordinate and consult with federal agencies, as appropriate and applicable, in performing the work required by this subdivision.

25996.1. (a) On or before January 1, 2025, the commission shall submit a written report to the Governor and the Legislature that includes both of the following:

(1) A summary and findings from the evaluation and work described in Section 25996.

(2) Considerations that may inform legislative and executive actions to facilitate, encourage, and promote the development and increased use of technologically and economically feasible wave energy and tidal energy technologies, infrastructure, and facilities in the state.

(b) (1) The report described in this section shall be submitted to the Legislature pursuant to Section 9795 of the Government Code.

(2) Pursuant to Section 10231.5 of the Government Code, this section shall remain in effect only until January 1, 2029, and as of that date is repealed.