

# DAVIS GRAHAM & STUBBS



## CLEAN ENERGY & SUSTAINABILITY GROUP NEWSLETTER

### January 2021

Contact a DGS attorney in the [Renewable & Alternative Energy Group](#) if you have any questions about the content of this newsletter or if we can assist you with any legal needs.

#### **DGS Webinar: Crisis Communications**

Please join us on January 27 for a [webinar](#) to hear from veteran crisis management and communications specialist [Bruce Hennes](#) of [Hennes Communications](#) and DGS Co-Managing Partner [Chad Williams](#).

#### **DGS Webinar: Colorado PUC Rulemaking**

Please join us on February 23 for a [webinar](#) on the Colorado PUC Rulemaking from DGS partner [Judy Matlock](#) and DGS associate [Courtney Shephard](#).

### **Appropriations Act Energizes Wind and Solar Development Through Tax Credit Extensions and Incentives to Develop on Public Lands**

by [Courtney Shephard](#), [Michael Snider](#), and [Katie Schroder](#)

On December 27, 2020, the [Consolidated Appropriations Act, 2021](#) (H.R. 133) (“Appropriations Act”) became law. In addition to [measures to promote carbon capture technology](#), this massive government spending bill and stimulus package includes significant tax and other incentives for renewable energy projects through the incorporated Taxpayer Certainty and Disaster Tax Relief Act of 2020 (“Taxpayer Act”) and the Energy Act of 2020 (“Energy Act”). [Read more...](#)

### **The Cost of a Condor: Navigating Wind and the Endangered Species Act**

by [Hayden Weaver](#)

On December 22, 2020, the U.S. Fish and Wildlife Service (“FWS”) [published](#) the application of Manzana Wind, LLC (“Manzana”) for an incidental

take permit (“ITP”) under Section 10 of the Endangered Species Act (“ESA”). The permit would authorize the incidental take of two endangered California condors over the course of 30 years from the operation of Manzanita’s wind power facility. Manzanita’s facility, which consists of 126 1.5-megawatt turbines, began commercial operations in 2012 in the Antelope Valley region of Kern County, California. [Read more...](#)

## BLM Proposes to Amend the Desert Renewable Energy Conservation Plan to Facilitate Renewable Energy Development

by [Katie Schroder](#)

On January 13, 2021, the Bureau of Land Management (BLM) released [draft amendments](#) to the Desert Renewable Energy Conservation Plan (DRECP) and a draft environmental impact statement analyzing the draft amendments. BLM intends the draft amendments will streamline siting of renewable energy development, including solar, wind, and geothermal projects in the Mojave and Colorado/Sonoran regions of southern California. [Read more...](#)

## Full Steam Ahead with Geothermal Resource Development

by [Brian Annes](#)

Oil’s price collapse and the election of a new administration in Washington are accelerating investment in carbon neutral energy sources. Although solar and wind receive the most attention, geothermal is picking up steam due to its baseload power potential and unique ability to leverage the intellectual capital of the oil and gas industry. [Read more...](#)

## Additional Resources

Brian Eckhouse, Will Mathis, and Dan Murtaugh, [The 10 Ways Renewable Energy’s Boom Will Shape the New Year](#), Bloomberg, January 26, 2021.

According to the U.S. Energy Information Administration’s latest inventory of electricity generators, developers, and power plant owners’ plan for 39.7 gigawatts (GW) of new electricity generating capacity to start commercial operation in 2021. Solar will account for the largest share of new capacity at 39%, followed by wind at 31%. About 3% of the new capacity will come from the new nuclear reactor at the Vogtle power plant in Georgia. [Renewables Account for Most New U.S. Electricity Generating Capacity in 2021](#), U.S. Energy Information Administration, January 11, 2021.

In 2020, for the first time ever, wind power overtook coal in Texas's overall energy mix, "the latest sign of renewable energy's rising prominence in America's fossil fuel heartland." Justin Jacobs, [Wind Power Overtakes Coal in Texas Electricity Generation](#), The Financial Times, January 11, 2021. (A subscription may be required.)

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