



*March 4, 2020*

*VIA ELECTRONIC MAIL*

*RE: Support for Reform of Renewable Energy Siting*

Dear Governor Andrew Cuomo, Majority Leader Stewart-Cousins and Speaker Heastie:

On behalf of all signatories below, we write to voice our strong support for reform of the process to site new renewable energy projects in New York, such as those included in the proposed Accelerated Renewable Energy Growth & Community Benefit Act (Part JJJ in the Executive Budget). We strongly urge the legislature to work with the Governor to refine and improve upon the proposed legislation so that this issue can be addressed and included in the State Budget this year.

Overcoming existing barriers to renewable energy siting and rapidly advancing large-scale renewable energy projects in New York is critical to decarbonizing New York's electric sector by 2040 and achieving the renewable energy targets of the Climate Leadership and Community Protection Act (CLCPA). These nation-leading renewable energy and climate goals are not achievable without the accelerated siting and construction of new renewable energy projects in New York.

Currently, roughly 12.6 million megawatt hours of large-scale land-based wind and solar projects have contracts with New York State, via NYSERDA, and are ready to be sited and built, enough to ensure that an estimated 45 percent of New York's electricity comes from renewables. However, it currently takes 5–10 years to get a renewable energy project built. As a result, only five renewable energy projects have made it through the Article 10 process in the last eight years, and only one of those is presently under construction. This timeline is incompatible with achieving 70% renewable electricity by 2030 as required by the CLCPA, even assuming that the state meets its aggressive energy efficiency and offshore wind development goals. Simply put,

renewable energy projects must be sited, interconnected, and permitted much more rapidly if New York is to meet these nation-leading targets and create family supporting jobs in the building of these projects.

It is critical that the legislature ensure the achievement of the CLCPA's landmark renewable energy goals by moving forward with legislation to address existing barriers to renewable siting. The renewable energy siting reform proposal greatly improves the efficiency of review and permitting while maintaining environmental protections. It preserves community participation as it invites local input on draft permits and establishes a hearing process if local governments identify "substantive and significant" issues. Further, the Act includes the same provision as Article 10 regarding the requirement that projects comply with local laws provided they are not unreasonably burdensome, and sets aside intervenor funds for local governments to hire experts to review proposed projects and participate in the Article 23 process.

While we strongly support the proposal and urge its inclusion in the budget, we believe that it can be strengthened by clarifying:

- That the Department of Environmental Conservation has a meaningful oversight role concerning environmental review of these projects. In particular, the Act could be strengthened by clarifying DEC's involvement to ensure that the environmental analysis is more standardized, streamlined yet robust, and DEC's relevant expertise is being appropriately relied upon, especially in the development of uniform standards and conditions (Part 455.2.).
- That the creation of the endangered and threatened species mitigation bank fund is consistent with New York's approach to protecting threatened and endangered species, which prioritizes avoidance and mitigation of impacts. The bill could, for example, explicitly state that the funds in the mitigation bank must be used by DEC or an entity that it designates to implement projects to ensure a net conservation benefit. In addition, the Act needs to clarify that the mitigation fund is intended to protect and enhance ecosystems relied upon by endangered species on a regional scale.

The legislature demonstrated incredible leadership by working with the Governor to pass the nation-leading CLCPA; now it is critical that we build upon that leadership by making sure there is a process in place to ensure New York will succeed in meeting the law's ambitious but achievable goals. We strongly support the reform of renewable energy siting to be included in New York's 2020-2021 budget process and also urge its inclusion in your one house budget bill. We look forward to working with the Governor and legislature to ensure that New York achieves its critical renewable energy goals.

Sincerely,

Sierra Club

Natural Resources Defense  
Council

New York League of  
Conservation Voters

Alliance for Clean Energy  
New York

Audubon New York

Binghamton Regional  
Sustainability Coalition

Building & Construction  
Council of Greater New York

Building Owners and  
Managers Association

Citizens Campaign for the  
Environment

Food & Water Watch

New York Building Congress

New York Energy Consumers  
Council

New York Offshore Wind  
Alliance

New York State Laborers'  
Organizing Fund

New Yorkers for Clean Power

Real Estate Board of New  
York

Regional Plan Association

Renewable Energy Long  
Island

Urban Green Council

WE ACT for Environmental  
Justice

32BJ SEIU