A.9508-A/S.7508-A Executive Budget – Part JJJ
Renewable Energy Siting Reform

Summary: Support for reform of renewable energy siting to accelerate the growth of renewable energy facilities necessary to meet New York’s climate action and renewable energy goals.

Statement of Support: After enacting last year’s historic climate law, New York State is now grappling with an even more daunting task – actually getting this massive transition to a clean energy economy implemented. Part of the near term challenge is to rapidly build renewable energy at scale with an existing Article X siting process that has been extremely cumbersome to the development of large scale solar and wind energy sites. The legislature’s renewable energy targets under the Climate and Community Protection Act (CLCPA) will not be achievable without this reform. It is for that reason that Sierra Club supports reforming the renewable energy siting process in New York, as is included in the proposed Accelerated Renewable Energy Growth & Community Benefit Act (Part JJJ in the Executive Budget). We strongly urge that this issue be addressed and included in the State Budget this year. Overcoming existing barriers to renewable energy siting and rapidly siting and building large-scale renewable energy projects is critical to achieving a carbon-free electric sector by 2040 and a decarbonized New York by 2050.

Currently, roughly 12.6 million megawatt hours of large-scale land-based wind and solar projects have contracts with New York State, 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 currently 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.

It is incumbent upon the legislature to ensure the CLCPA’s landmark renewable energy goals are met in time. 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 DEC 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 should be used by DEC or an entity that it designates to implement projects to ensure a net conservation benefit. In addition, the Act must clarify that the mitigation fund is intended to protect and enhance ecosystems relied upon by endangered species on a regional scale.

Given the passage of the nation-leading CLCPA, the Legislature has a significant stake in meeting the law’s ambitious but achievable goals. **Sierra Club strongly supports the reform of renewable energy siting to be approved through New York’s 2020-2021 budget process.** We look forward to working with the Legislature to ensure that New York achieves its critical renewable energy goals.

**The Sierra Club strongly supports S.7508-A/A.9508-A Part JJJ Renewable Energy Siting Reform.**