Stop Energy Sprawl



The RAPID Act, NY's Climate Legislation & How We Can Fight Back

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Initiatives

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CLIMATE CHANGE IS REAL NY'S CLIMATE ACTION PLAN IS NOT

Learn More

About **Stop Energy Sprawl**

Stop Energy Sprawl is a coalition of community groups, municipalities, and elected officials from localities in New York State targeted by land-wasting large-scale wind & solar projects located far from where that energy is needed.





NY's Climate Action Legislation

- Everything Bad Happens in the Budget!
- NY's Lawmakers are using "cover of budget" to advance legislation injurious to upstate NY communities



NY's Climate Action Legislation

IMPACT (NYSERDA contracts):

October 2021 Review:

- > 72 Projects
- ▶ 22 Developers
- ➤ 15 Out-of-State
- > 3 Foreign

Over 2/3 of Developers were out-of-state or foreign.

- Climate Change is Real but...
- NY's Laws fail to address it equitably or adequately.
- Targets low-income, rural communities who often do not have the resources, tools, talents, and techniques to defend themselves
- Enables and enriches incompetent, aggressive developers
- Sends NYers' hard-earned dollars out-of-state and out-of-country with little economic benefit.
- Will fundamentally change targeted communities
- Will destabilize the electric grid, by relying on intermittent, unreliable wind / solar

The "RAPID" Act, Part O of the proposed 2025 Budget

- Nearly 40 pages
- Tucked into the 2025 budget
- ORES moves to Dept. of Public Service (DPS)
- Repeals 94-C but...

ORES regs (NYCRR 900) remain in place

- ORES to site major electric transmission facilities
- ORES would be able to grant eminent domain, extinguish conservation easements
- All projects "in flight" are preserved
- 1.5 years to generate reg for transmission facilities
- Creates a "Farmland Protection Workgroup"

The "RAPID"
Act Lowers
Standards for
environmental
protection,
eminent
domain

Lower standards for transmission siting actions

- Requires decision within a year or automatically approved (Eminent domain excepted from automatic approval)
- Reduces standard for overriding local laws

"unreasonably burdensome in view of the CLCPA targets, the environmental benefits, and in the case of a transmission facility, the public need for the proposed project."

Reduces standard for environmental review

Taking into account the CLCPA targets, the environmental benefits, and in the case of a transmission facility, the public need for the proposed project.

Eminent Domain law changing to include

if the property is to be used for the construction of a major electric transmission facility, as defined under article eight of the public service law, with respect to which a siting permit has been issued under such law, a statement that such permit relating to such property has been issued and is in force.

The "RAPID"
Act reflects
legislative
trends &
eradication of
Home Rule

Weakening of SAPA (Article 78)



- Last year's budget (Part N) exempted Tax's property rate giveaway to wind / solar developers from SAPA
- Part O exempts DPS regulatory changes due to incorporation of ORES from SAPA
- The march towards eminent domain for renewable energy plants



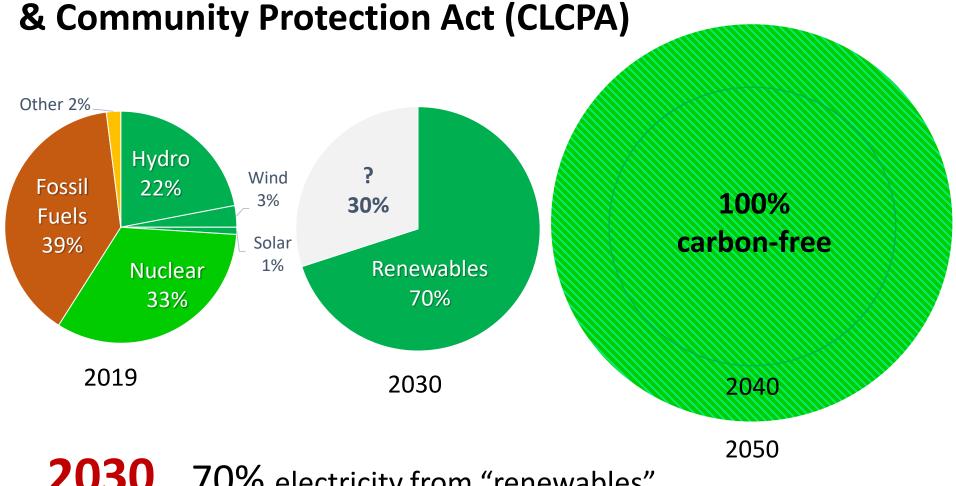
- In 2023, NY Power Authority directed to start building renewable power plants (if private sector was too slow)
- Part O expressly grants eminent domain to ORES
- What will next year bring?

NY's Climate Legislation Targets Rural Communities

CLCPA (Climate Leadership & Community Protection Act)

- Created Climate Action Council (CAC)
 - Mostly State Agency Heads (Appointees)
 - No Rural NY Representative
 - No Utility Consumer Advocate
- Resulting Climate Action Plan
 - fails to sufficiently address transition for farm workers or Ag economies
 - Sets goals for "renewables" and carbon-free generation
 - Fails to protect upstate Ag & Tourist economies
- Sets goals for renewable, carbon-free electric generation

2019 NYS Climate Leadership

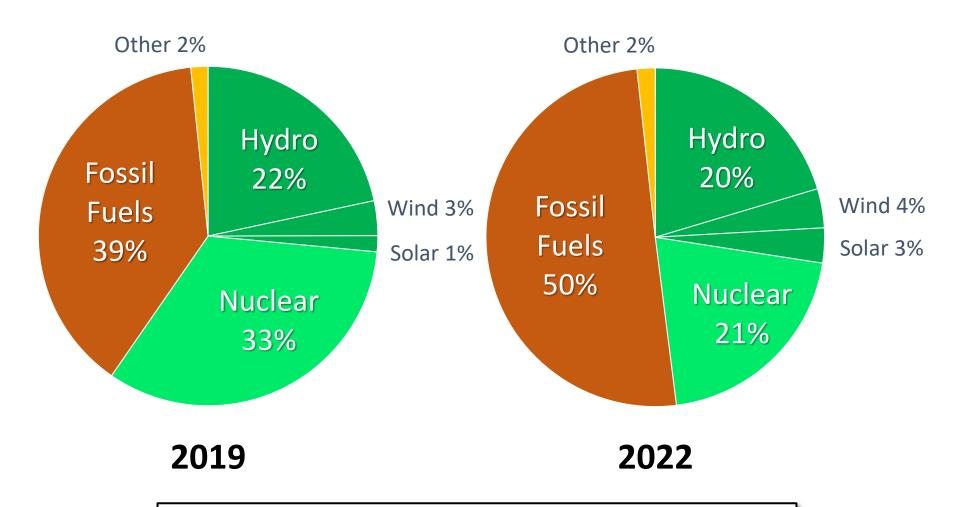


2030 70% electricity from "renewables"

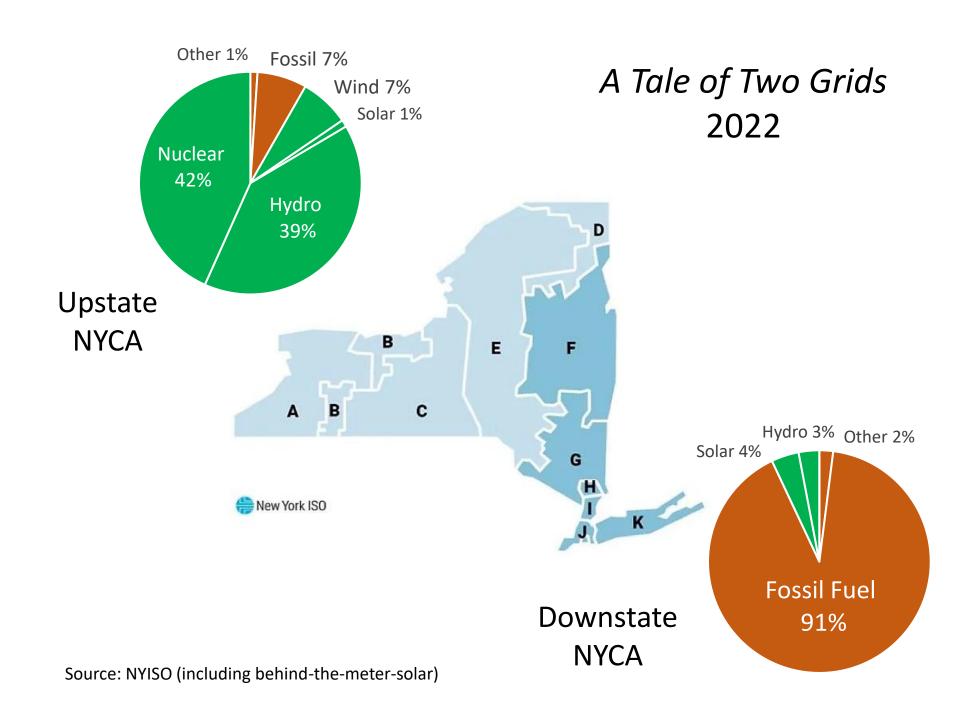
2040 100% carbon-free electricity

2050 85% reduction in statewide greenhouse gas emissions

Since passage of CLCPA, New York has gone backwards.

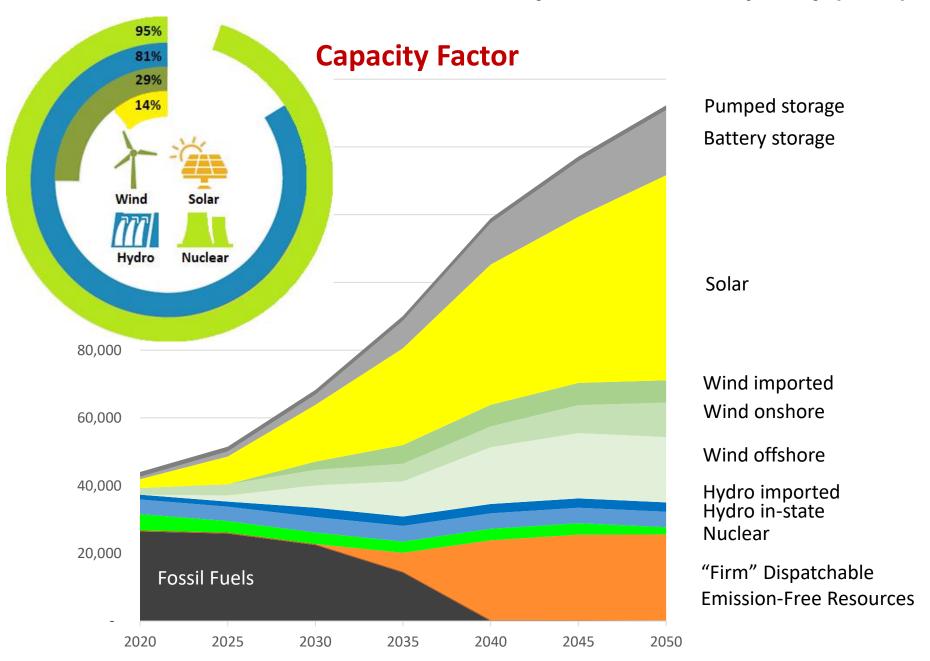


10-15 Million tons of *avoidable* greenhouse gas emissions (CO2_e) each year from *fossil fuels*



So let's look at New York's plan...

CLCPA NYSERDA Scenario 3 Electricity Generation Capacity (MW)



LARGE-SCALE SOLAR: 55,321 MW

48,497 MW utility-scale (single axis tracking) + 6,824 MW community solar (assuming 1/2 of distributed generation is ground-mounted community solar)



387,000 acres (@ 5-7 acres/MW_{AC})

= 432-605 square miles (single-axis tracking panels)

22 square miles lost each year for decades



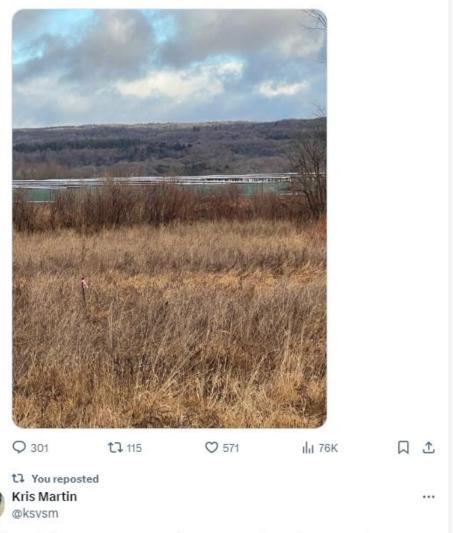


NYFarmer @NYFarmer - Dec 31, 2023

Can anyone tell me how many acres of upstate farmland will have to go under solar panels to meet goals #solar

From Kris Martin on Twittter:

327,000 acres of *farmland*



We'll need about 50,000 MWac by 2050, and 84% is expected to go on farmland (esp. cropland). So we'll convert amout 5% of our farmland to solar at this rate: ~327,000 acres.

Stop Energy Sprawl @StopEnergySpraw · Jan 1

For comparison, Manhattan Island's land mass is about 14600 acres. Based on current project footprints, one would need to cover Manhattan head to foot with solar 22 times in order to get to the 327,000 acres in NY's "plan".

Why would we do this to life-sustaining farmland?



ON SHORE WIND: 10,348 MW + 6,397 MW (imported)

(2192 MW in-state in 2022)



320

280

260

240

220

200

180

160

140

120

100 80

20

1631-2719 turbines (@ 3-5 MW each)

A new wind turbine upstate every 5 days starting now

Nameplate Capacity (MW)

Vestas 225 kW

27 m RD

34 m HH

1990 - 1995

Statue of Liberty

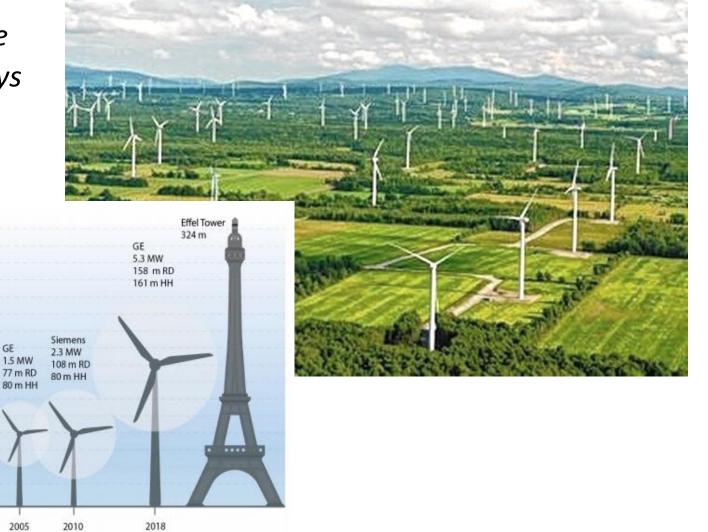
Rotor Diameter (m) - RD

Hub Height (m) - HH

55 kW 15.2 m RD

20 m HH

1980 - 1990



OFFSHORE WIND: 17,231 MW

(CLCPA: 9000 MW)



1723 turbines (@ 10 MW each)

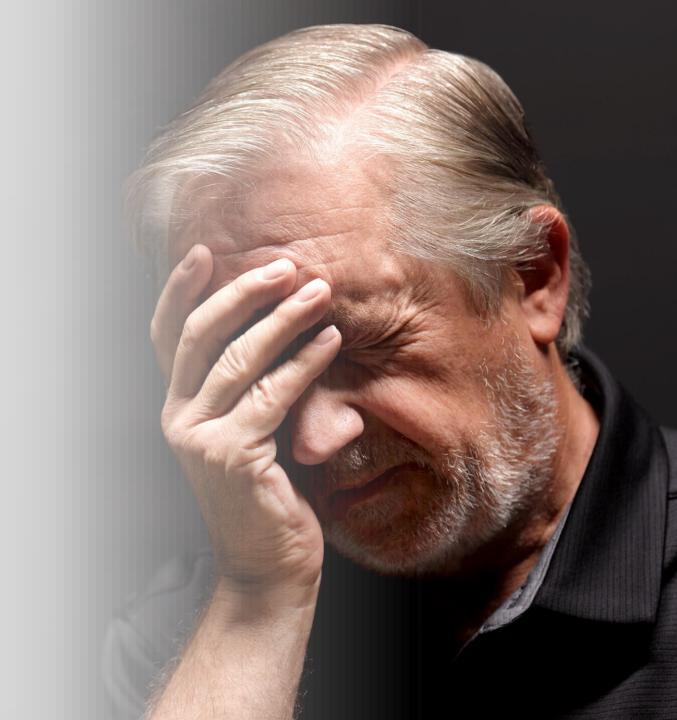
A new wind turbine every





The CLCPA goals clearly can not be met

Legislative focus turns to how to save it (instead of a sober analysis)



NY's Climate'
Legislation
Targets Rural
Communities

IMPACT:

Discriminates against small communities by removing Home Rule and severely limiting local input into projects pursued in their communities.

§94-c: Accelerated renewable siting

- Created Office of Renewable Energy Siting (ORES) to expedite approval of solar /wind projects > 20MW
- ORES has sole discretion to site new large-scale, renewable electric generating plants
- ORES can dismiss local laws considered "unreasonably burdensome"
- No local representation in decision
- Preempts environmental review under SEQRA
- Limits review to 1 year, otherwise project is automatically approved



"Eliminating [home rule] entirely to promote green energy could exacerbate New York's ever-present upstate-downstate, rural-urban divides."

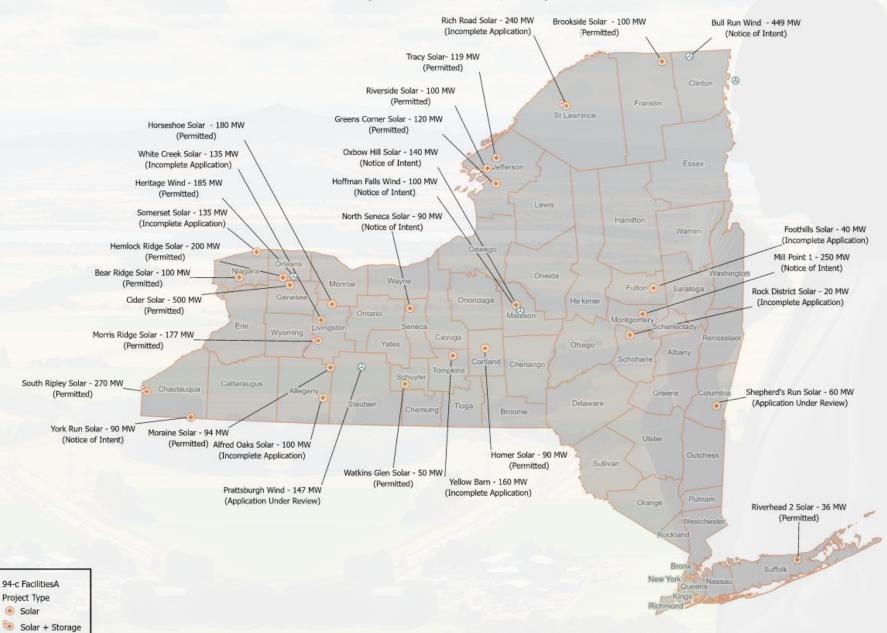


ORES map of large-scale "renewables"

Wind

Office of Renewable Energy Siting (ORES)

Executive Law § 94-c Permit Applications (as of December 14, 2023)







How is it permitted? **Local Permitting State (ORES) Permitting** Competitive bidding via Direct funding (in whole or in part) NYSERDA (NYS Energy & Research Dev. Authority) through NYS, Feds Often paid at project Yearly Awards of billions of ratepayer \$\$ since 2017 completion Paid for production, RECs Sited by local Sited by Office of planning boards Renewable Energy Systems (ORES)

Ny's Legislature Doubles Down on Intermittent Wind / Solar

IMPACT:

Ensures rural communities are not fairly compensated through fair tax revenues

Threatens to use the power of the State (eminent domain) to meet the energy needs of the State's urban areas.

Reverses environmental conservation efforts in our communities





- gives wind/solar special property assessment methodology
- Up to 75% less
- Residents pick up the difference





• 2023 NYPA directed to develop renewable electric plants if industry not fast enough



• 2024 proposal to give ORES authority to site transmission facilities: the "RAPID Act"

What Can I Do?

- Write your Elected Representatives
 - Use One of Stop Energy Sprawl's suggested letters
 - You can email, write, call or comment on the budget
 - Do it today!
- Get your Town to send Stop Energy Sprawl's template resolution to the Gov. & your reps
- Recognize the long-term threat is from State legislation
- Convince the State to pursue a diverse set of carbon-free energy sources
- Work with others to reduce State incentives to convert forest & farmland and to help defend our communities

"Upstate rural communities should be asking for collaboration and accountability, and a halt to top-down mandates driven by the renewables industry and well-meaning but poorly educated climate activists."

Take Action to Assure What's Right for Our Communities

- Engage
 - Your Neighbors,
 - Town Boards,
 - Town Planning Boards,
 - County & IDA,
 - School Board,
 - State Assemblymember
 - State Senator
 - Other Community Organizations

- Circulate petitions,
- Post comments,
- Write Letters to the editor, other media
- Write / Email / Call Elected Officials
- Run for Office
- Get informed

Work with Coalitions like Stop Energy Sprawl



Who else is fighting Part O?

- Individuals across the State have written dozens of messages
- Local Governments passing Part O Opposition Resolutions
 - Freedom in Cattaraugus County
 - Glen, Charleston, Fultonville in Montgomery County
 - Rotterdam in Schenectady County
 - Litchfield, Columbia in Herkimer County
 - Paris in Oneida County
 - We expect many more
- Community Organizations & Advocates are writing the Legislature & talking to groups like this one

A RESOLUTION OPPOSING PART O OF THE GOVERNOR'S 2025 ARTICLE VII REVENUE BILL REGARDING THE SITING OF MAJOR ELECTRIC TRANSMISSION FACILITIES, ALSO KNOWN AS THE "RAPID" ACT

WHEREAS, New York Governor Hochul has released the Executive Budget Proposal for Fiscal Year 2025, which includes Part O of the Transportation, Economic Development, and Environmental Conservation budget bill entitled the Renewable Action through Project Interconnect and Deployment ("RAPID") Act; and

WHEREAS, the RAPID Act seeks to move the Office of Renewable Energy Siting ("ORES") from the Department of State to the Department of Public Service, and seeks to consolidate and expedite permitting procedures for major renewable energy and electric transmission facilities under a new Article VIII of the Public Service Law; and

WHEREAS, if passed, the RAPID Act will undermine sound environmental review of major electric transmission facilities by requiring ORES to render a permit decision within a single year, otherwise the facility shall be automatically approved, regardless of project size or impact on private property or conservation lands; and

WHEREAS, if passed, the RAPID Act will constitute a significant deprivation of Private Property Rights by extended the power of Eminent Domain to the construction of major electric transmission facilities by large-scale solar and wind developers, said power being currently limited to regulated utilities granted a certificate of environmental compatibility and public need; and

WHEREAS, if passed, the RAPID Act will undermine the protection of natural resources by allowing conservation easements to be extinguished anywhere in the state, including the Adirondack Park and Catskill Parks, for the construction of major electric transmission facilities by large-scale solar and wind developers, said authority being currently limited to regulated utilities granted a certificate of environmental compatibility and public need; and

WHEREAS, if passed, the RAPID Act will further erode home rule and local decision-making enshrined in the New York State Constitution, Local Government Bill of Rights, Statute of Local Governments, and Municipal Home Rule law, usurping the rights of local governments to determine how communities and property within their jurisdictions develop, and contravening the purpose of comprehensive planning outlined in Section 272-A of Town Law; now therefore be it

RESOLVED, that strongly opposes the passage of Part O contained in the Governor's Article VII Revenue Bill relating to the expedited siting of major electric transmission facilities, the use of Eminent Domain, and the extinguishing of conservation easements, and be it further

RESOLVED, that ______ calls on the Governor of New York, members of the State Senate, and members of the State Assembly to ensure that Part O, and particularly the offending provisions identified herein, be excluded from the New York State budget or any other legislation, and be it further

RESOLVED, that ______ opposes state or federal action that would weaken or eliminate New York's longstanding tradition of home rule and local government authority; and be it further

RESOLVED, that the Clerk of _____ is hereby directed to provide a copy of this resolution to Governor Kathy Hochul, Licutenant Governor Antonio Delgado, members of the State Senate, members of the State Assembly, the New York State Association of Counties, the New York State Association of Towns, the Inter-County Association of Western New York, and all others deemed necessary and proper.

Stop Energy Sprawl



Our Objective:

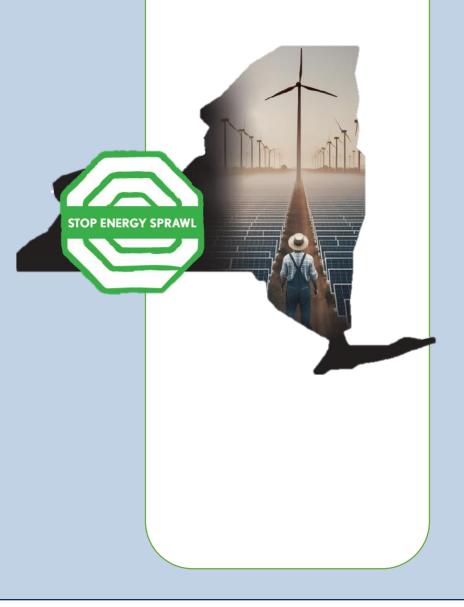
Push to get Home Pule back and

Push to get Home Rule back, and

Put municipalities in the position to fend off large scale solar and wind projects

(so we protect our farmland, pastures, sacred lands, historic & cultural resources, woodlots, wetlands & waterbodies, and prevent harm to our environment and ecosystem)

Stop Energy Sprawl



THank You!

Stephen Helmin

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