



SCENIC HUDSON'S
**Roadmap to a
Clean Energy Future**
for the Hudson Valley

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The Challenge:

Along with helping to mitigate climate change, the transition to clean energy in New York will bring consumer savings, economic benefits, jobs, energy independence and resiliency, as well as improve human health.¹ These aspects of renewable energy development are often overshadowed by significant public concern regarding its potential impacts on community character, farmland and wildlife habitat. Projects currently under review by the New York State Board on Electric Generation Siting and the Environment (Siting Board) are experiencing significant public opposition and delay.² As of September 27, 2019, only three new renewable energy facilities have been approved under Public Service Law Article 10 since adoption of the 50x30 Renewable Energy Standard in 2016, and none have been constructed.³ Meanwhile, many communities dealing with renewable energy development proposals do not have the resources or technical knowledge for effective engagement; often, they wind up grappling with disagreements among residents and having to adopt moratoria in order to give themselves time to understand the planning and zoning ramifications of a potential project.⁴

In July 2019, New York adopted landmark climate legislation—The Climate Leadership and Community Protection Act (CLCPA)—that sets nation-leading renewable energy goals.⁵ The CLCPA mandates that 70% of New York State’s energy needs come from renewable resources by 2030—just over a decade from now—and that all electricity in the state come from carbon-free sources by 2040. However, the CLCPA does not meaningfully address the on-the-ground challenges of getting projects sited. Over the past decade, it has become clear that despite ambitious policies aimed at incentivizing and accelerating renewables, the current pace of clean energy development cannot continue if we are to reach the targets set in the CLCPA. The risk that New York will fail to meet these targets is real.

Scenic Hudson’s Role:

As a land trust and environmental advocacy organization, Scenic Hudson possesses both the core conservation mission and staff expertise—in land use planning, farmland and natural resource protection, public policy development and community outreach—that make it well-suited for growing public support for the siting of new renewable energy facilities that avoid pervasive, significant impacts on the resources we all have worked so hard to preserve. In the last few years, the organization also has participated as a stakeholder in numerous discussions on renewable energy development, published the *Clean Energy, Green Communities* guide to siting renewable energy and convened the sold-out Solar Smart Hudson Valley symposium.⁶ Scenic Hudson will release a solar zoning handbook in early 2020 and a comprehensive GIS-based solar siting decision support tool in summer 2020. Scenic Hudson’s vision is that the Hudson Valley can become a model of how a region responds to the challenge of climate change. This model can then be replicated statewide.

The Solution:

A significantly higher level of collaboration between state and local government is necessary to create a context conducive for renewable energy development that supports state energy goals while preserving New York’s invaluable natural resources. With the input of stakeholders—including host communities, developers, environmental organizations, farmers and others—we must implement policies to overcome the “us versus them” mentality and replace it with a shared goal for all to receive the benefits from a transition to clean energy. A policy solution must include a combination of collaborative energy and land use planning, information dissemination and empowerment at the local level to promote smart renewable energy development.

Policy Actions to Lead to a Cleaner, Greener Energy Future...



New York State Should Create a Statewide Masterplan for Land-Based Renewables Buildout.

By developing a statewide masterplan to guide renewable energy siting, New York State would ensure achievement of the CLCPA's renewable energy and carbon neutrality goals, while also maximizing consistency with community, agricultural and natural resource values. This will accomplish dual benefits—accelerating renewable energy buildout and minimizing adverse environmental and community impacts.

Such a plan would entail high-level resource planning that will identify opportunities for renewable energy development in the various regions of the state. It should be similar to the Offshore Wind Master Plan, which identifies areas for potential offshore wind energy development that maximize output while minimizing conflicts.⁷

Thus far, the large-scale projects awarded contracts by NYSERDA are proposed for sites selected by developers, with little or no input from host communities.⁸ **A path forward for reaching renewable energy targets must include a master planning process that encourages stakeholder participation to identify potential development locations that present the least impact to communities and other land uses.**

In order to develop a renewable energy masterplan that addresses local stakeholder concerns, **the state should create nine regional energy planning councils** that would report to the State Energy Planning Board. Article 6 of the State Energy Law creates two regional energy planning councils (upstate and downstate), but it appears that members have never been appointed.⁹ To more accurately represent the regional differences within New York State, the number of regional energy planning councils should be increased to nine. The councils should include representatives from state agencies tasked with clean energy policy and development, regional planning groups and local community interests.

The authority of the energy planning councils established under the State Energy Law should be expanded to provide input into and implement the framework set forth in the statewide renewable energy masterplan. Each council would develop and utilize data-driven analysis and the stakeholder process to optimize renewables siting decisions that incorporate both the region's conservation priorities and site-specific geography.

New York State should prioritize development of a model regional energy planning council as quickly as possible. Scenic Hudson already has begun development of a GIS-based solar siting decision support tool for the Hudson Valley that can support the work of such a regional planning council.¹⁰ This tool, which will be completed in summer 2020, builds on our *Clean Energy, Green Communities* guide published in 2018. Scenic Hudson is developing this tool with stakeholder input and will pilot a hands-on local training program in two Hudson Valley communities. Progress on this effort makes the Hudson Valley an ideal candidate for a model regional energy planning council.

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New York State should pursue an effective information and public awareness campaign to build a mindset of collaboration before projects are proposed.

There is a perception that communities' rural and agricultural lands are being targeted and turned into industrial sites for renewable energy facilities that will only benefit others.¹¹ For many, real fears—even if unfounded—about negative impacts on local community character, property values and a rural way of life are not assuaged by the societal imperative to play a role in confronting the global climate crisis. In some communities, the certification process under Article 10 for utility-scale projects is considered an affront to home rule, with citizens expressing resentment due to a lack of input on siting choices. Conversely, there are accusations that local interests present a barrier to renewable energy deployment.¹² **In order to develop renewables at the pace and scale necessary to meet the CLCPA goals, these issues must be understood and resolved before projects are proposed.**

Each regional energy planning council should have at least one dedicated, on-the-ground community coordinator whose sole responsibility is to engage directly with communities on renewable energy siting, including hands-on technical assistance and education. The NYSERDA Clean Energy Coordinators could be tasked with this role, but an adjusted focus would be needed and increased resources made available to ensure that sufficient personnel are assigned. It is essential that all interested communities can tap into this resource.





New York State should provide financial and technical support for local planning and zoning that promotes smart renewable energy development.

Local communities need significantly greater levels of support—both expertise and funding—as they rush to incorporate renewable energy development into comprehensive plans and zoning laws. Despite existing resources such as NYSERDA’s Solar Guidebook for Local Governments, those tasked with developing zoning laws struggle with determining how much solar energy development should be permitted and where it should be located. Communities also need guidance on setting detailed development criteria such as limits on construction on prime agricultural soils to protect farmland, area and bulk standards, and visual screening requirements to preserve community character. **Financial and technical assistance from the state is necessary to guide municipalities to adopt local plans and laws to ensure that renewable energy facilities are welcomed into the community and are consistent with community values.**

State support and tools should include:

- Funding for local planning and zoning, as well as regional planning efforts;
- Spatial analysis and mapping tools that support local planning and zoning for renewable energy and point the way to properly sited and designed projects (such as Scenic Hudson’s decision support tool discussed in #1, above);
- Legal and planning expertise to support the development of clear, enforceable regulations; and
- A standardized framework to identify the most common impacts of renewable energy development and a range of potential mitigation measures.

Such support can be provided through expansion of the Climate Smart Communities Program¹³ (with an adjusted focus, increased resources and sufficient personnel) and the former PV Trainers Network.

In early 2020, Scenic Hudson will release a solar zoning handbook aimed at empowering communities to take advantage of their solar energy resource as they translate policies and goals into clear and enforceable regulations. It will set forth best practices and recommendations for local laws that promote smart solar energy system development at all scales. Developing resources like this for all regions of the state—and providing technical and financial support to facilitate their widespread use—is imperative to achieve rapid renewables buildout at all scales.

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The Siting Board should adopt rules to accelerate and incentivize large-scale renewable energy that has demonstrated local support and meets conservation goals.

Stakeholders on all sides have directed an increasing amount of criticism at the Article 10 review process for certification of utility-scale projects of 25 MW or over, which so far has yielded only three approvals (all for wind projects). A significant amount of large-scale renewable energy projects must be built to meet the goal of eliminating fossil-fuel based electricity generation by target dates, which in turn is necessary to electrify the transportation sector as well as heating and cooling for buildings.¹⁴ A lengthy and expensive Article 10 process, combined with community opposition to large projects in the face of rapidly expiring tax incentives, puts achievement of this critical buildout in jeopardy.

New requirements for transparency and community outreach, demonstration of economic benefits and consideration of agricultural impacts are now incorporated into the NYSER-DA large-scale renewable solicitation process.¹⁵ This is a great step in the right direction; however, additional policy action is required to proactively resolve local community concerns and potential resource conflicts before commencement of the Article 10 process.

To incentivize and achieve such early resolution, a shortened Article 10 process should be made available to projects that have secured support from the host community and demonstrated compliance with a set of low-impact siting criteria. This could be implemented in a way similar to the Public Service Commission's policy, adopted in 2014, that expedites review for transmission proposals sited only in existing rights-of-way and not likely to have significant environmental impacts.¹⁶ Such a policy would provide a strong incentive to developers to earn community support early on and to align projects with low-impact siting guidelines, streamlining the path to Article 10 certification.





Align agricultural protection and renewable energy policy.

New York's farms, many of which already face significant economic stress and vulnerability to development pressure, are particularly attractive sites for renewable energy development because they contain large areas of relatively flat, cleared land.¹⁷ Along with the actual or perceived visual impacts of projects, the potential loss of agricultural land is one of the major reasons behind municipal resolutions opposing large-scale projects.¹⁸

Much work has been done to address potential loss of farmland through renewable energy development. The Department of Agriculture & Markets issued guidelines for construction, restoration and monitoring of solar, wind and transmission facilities on farmlands.¹⁹ The Clean Energy for Agriculture Task Force (CEATF) was created to identify and prioritize clean energy opportunities for the agricultural sector; it issued a Strategic Plan in March 2017.²⁰ NYSERDA convened the Solar Siting and Agriculture Workshop on June 21, 2018.²¹ In addition, many other non-governmental agencies and farming advocacy groups are working to address this issue.²² Finally, much research is being conducted on the opportunities for co-location of energy and food production.²³ Recent studies demonstrate that there is great potential for solar and agriculture to work together to provide reliable energy and fresh produce.²⁴

Policies must be adopted to protect the most productive agricultural land and keep it in farming, and to maximize opportunities for renewable energy development and agriculture to coexist. Four steps to achieve this goal are:

1. Expand the CEATF mandate beyond identifying pathways toward clean energy for on-farm use to also address the issue of siting large-scale renewable energy projects on agricultural lands, as informed by the results of the NYSERDA Solar Siting and Agriculture Workshop and other research.
2. Expand NYSDAM guidelines to avoid siting significant renewable energy development on soils defined as prime and/or identified as having the highest productivity index. However, to prevent these guidelines from increasing the economic hardship of farmers, they must be combined with programs to keep these lands in agricultural production as an alternative to renewable energy or other development.
3. Establish guidelines for “pollinator-friendly” solar installations in accordance with the Pollinator Friendly Solar Act.
4. Establish requirements and/or incentives for co-location of renewable energy and agricultural activity, including crops and grazing.

Conclusion—The Vision:

The biggest challenge to meeting the CLCPA's goals is bridging the gap between state renewable energy targets and local support for individual projects. It is critical that state and local governments work together and with other stakeholders to make smart siting decisions that minimize impacts and maximize public acceptance. Through implementation of these five recommended policies, New York can achieve its nation-leading renewable energy goals in a way that is compatible with community values and protects irreplaceable natural and agricultural resources. It also can build broad support for well-sited renewable energy facilities. Without implementing the actions in this roadmap, New York will likely fail to achieve the vital overhaul of the electricity sector envisioned in the CLCPA.

The Hudson Valley is poised to be a regional model for how renewable energy projects can be sited in a way that minimizes environmental and community impacts. Scenic Hudson is prepared to play a leading role in helping to implement these five actions in the Hudson Valley as a pilot for statewide rollout. Working together, New York State, local governments, non-governmental organizations and community stakeholders can translate the vision of the CLCPA into on-the-ground reality, leading us forward to a sustainable, low-carbon future.



Univ. of Massachusetts Fall Array courtesy of Hyperion Systems

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Endnotes

- 1 See Reforming the Energy Vision, available at: <https://rev.ny.gov/> (“REV helps consumers make more informed energy choices, develop new energy products and services, and protect the environment while creating new jobs and economic opportunity throughout the State.”); Clean Energy Standard, available at: <https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Standard> (“The CES is designed to fight climate change, reduce harmful air pollution, and ensure a diverse and reliable low carbon energy supply.”)
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- 3 See Projects Under Review, available at: <http://www3.dps.ny.gov/W/PSCWeb.nsf/All/06041D757BAFCC25852579D0006972C0?OpenDocument>. For example, the Cassadaga Wind Project review took over three years. It received conditional approval from the Siting Board in January 2018, over a year and a half ago, and is only now receiving work permits. See Case 14-F-0490, available at: <http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=14-f-0490&submit=Search+by+Case+Number>.
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- 5 New York State Climate Leadership and Community Protection Act, available at: <https://legislation.nysenate.gov/pdf/bills/2019/S6599>.
- 6 Scenic Hudson, Combatting Climate Change: Building Clean Energy in the Hudson Valley, available at: <https://www.scenichudson.org/renewables>.
- 7 New York State Offshore Wind Master Plan, available at: <https://www.nyserda.ny.gov/All-Programs/Programs/Offshore-Wind/Offshore-Wind-in-New-York-State-Overview/NYS-Offshore-Wind-Master-Plan>.
- 8 See NYSEDA, Solicitations for Large Scale Renewables, available at: <https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Standard/Renewable-Generators-and-Developers/RES-Tier-One-Eligibility/Solicitations-for-Long-term-Contracts>.
- 9 New York Energy Law § 6-102(2).
- 10 Because utility-scale wind is not currently viable in the Hudson Valley, Scenic Hudson’s renewable energy siting tool will focus on solar.
- 11 Niagara Gazette, Bear Ridge Solar Developer Responds to Local Opposition, August 4, 2019, available at: https://www.niagara-gazette.com/news/local_news/bear-ridge-solar-developer-responds-to-local-opposition/article_ba6fb274-e029-5a07-ba71-011104f421aa.html.
- 12 See Commentary: Rural Communities Must Have a Voice in Energy Planning, originally in Times Union, April 1, 2019, available at: <https://www.wind-watch.org/news/2019/04/03/commentary-rural-communities-must-have-a-voice-in-energy-planning/>.
- 13 Climate Smart Communities Program, available at: <https://www.dec.ny.gov/energy/76483.html>.
- 14 See NYSEDA, Toward a Clean Energy Future: A Strategic Outlook 2019-2022, available at: <https://www.nyserda.ny.gov/About/Publications/Program-Planning-Status-and-Evaluation-Reports/Strategic-Outlook>. (“This decarbonization of the electricity system lays the groundwork for electrified transportation and buildings sectors that can function without contributing to climate change.”)
- 15 See NYSEDA, Solicitations for Large Scale Renewables, available at: <https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Standard/Renewable-Generators-and-Developers/RES-Tier-One-Eligibility/Solicitations-for-Long-term-Contracts>.
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- 21 See CBI, Ground-Mounted Solar PV Projects and Agricultural Land in New York State, available at: <https://www.cbi.org/project/ny-ag-solar-siting/>.
- 22 See, e.g., American Farmland Trust, <https://farmland.org/generate-clean-solar-energy-on-farms-while-protecting-our-best-farmland/>.
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- 24 On Pasture, Your Pastures Would Make Great Solar Farms, September 23, 2019, available at: <https://onpasture.com/2019/09/23/your-pastures-would-make-great-solar-farms/>.