

# Residents United to Save our Hometown

Dear Residents United member,

Below are instructions for emailing our NYS legislators to express our concerns regarding the proposed new **Accelerated Renewable Energy Growth & Community Benefit Act** and the **Major Renewable Energy Development Program** with respect to **New York State's Home-Rule Authority and Protection of Agricultural Land**.

Please join us in making our voices heard. Instructions for sending these messages are included below.

Thank you for your continued support.

Resident United to Save our Hometown

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**Step 1: Here are the email addresses for the members of our legislative committees. Please copy the links and paste them into the "TO:" box in a new email message. You can do one massive mailing or one for each of the six Committees.**

## **NYS Assembly Agriculture Committee**

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## **NYS Assembly Energy Committee**

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## **NYS Assembly Ways & Means Committee**

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## **NYS Senate Agriculture Committee**

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## **NYS Senate Energy & Telecommunications Committee**

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## **NYS Senate Finance Committee**

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## NYS Town List

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**Step 2: Here is suggested wording for an email message to the legislators. Please copy and paste this, or your own version of this message, in the body portion of your email message.**

NYS \_\_\_\_\_ Committee

Dear NYS \_\_\_\_\_ Committee Member:

I am writing to express my concerns *regarding the Accelerated Renewable Energy Growth & Community Benefit Act and the Major Renewable Energy Development Program with respect to New York State's Home-Rule Authority and Protection of Agricultural Land.*

1. Concerning the **New Accelerated Renewable Energy Growth and Community Benefit Act & Article 23 Major Renewable Energy Development Program.**
  - a. The proposed law states that no hearings will be held to address the concerns of a municipality unless the town can show that there is a substantial and significant issue.
    - i. The law does not identify who will have input into making such a determination of substance & significance.*
    - ii. This is this completely inconsistent with NYS' Home Rule authority.*
  - b. The proposed law establishes a one-year deadline for a decision from the date on which an application is deemed complete and a six-month deadline for abandoned industrial or otherwise non-productive sites. There doesn't appear to be a "time-out" provision to cover issues that may require additional negotiation, research, etc.
    - i. The law does not provide a way to manage unavoidable delays and thus avert automatic approvals.*
  - c. Local environmental impacts resulting from siting of a major electrical generation facility that cannot be successfully mitigated will be addressed by providing reductions in local electrical rates and/or by requiring donations to the state threatened and endangered species mitigation fund.
    - i. Significant damage to our local environments cannot be legitimately offset by payments to the state or by electrical rate discounts to the municipality.*
  - d. The proposed law states that public policy purposes would be served by incentivizing the re-use or adaptation of sites with existing or abandoned commercial or industrial uses, such as brownfields, landfills, and former commercial or industrial sites, for the development of major renewable energy facilities. To be realistic, incentives must be considerable when considering the economic benefit to a developer of placing large renewable energy generation facility on clear, flat, clean prime farmland.
    - i. The law provides absolutely no information regarding how such incentives will be developed and sized so as to truly redirect attention away from development of prime farmland. It thus appears that this is not a serious concern or effort on the part of the State.*
2. Concerning the siting of major solar energy generating facilities and New York State's extensive home-rule authority.
  - a. The proposed law establish a new renewable energy siting office and charges this new office to work collaboratively with NYS Energy Research and Development Authority, NYS Department of Environmental

Conservation, and NYS Department of Public Service. It does not specify that the new office is obligated to work collaboratively with local towns.

- i. This is inconsistent with NYS' extensive home-rule authority provided through State Constitutional provisions. Local towns have the right to guide their own development.***
  - b. The proposed new law appears to provide the State with specific power to direct a local government to comply with its siting wishes.
    - i. Again, this is inconsistent with NYS' extensive home-rule authority provided through State Constitutional provisions. This completely undermines democracy in our State.***
  - c. Article IX of NYS law restricts the State Legislature from adopting special laws which affect a local government's property affairs and thus serves both as a source of authority for local governments and as a shield against intrusion by the State upon their home rule prerogatives. The Legislature is specifically prohibited from acting with respect to the property, affairs or governance of any local government except by general law, or by special law enacted on a home rule request by the legislative body of the affected local government.
    - i. The proposed law seeks to overturn our State's long-standing commitment to home rule.***
3. Concerning protection of agricultural land, the proposed law says, "that the facility minimizes to the extent practicable any significant adverse impact on active farming operations"
  - a. "Minimizing to the extent practicable any significant adverse impact on active farming operations," is hardly solid assurance that agriculture will be protected. While many farmers look upon renewable energy generation facilities as an opportunity for supplemental income, it should not be presented as a wholesale opportunity to replace farming. Reasonable percentages of farmland can be considered, but never upon highly productive, prime farmland. This will not benefit us in the long run.
    - i. "Minimizing to the extent practicable any significant adverse impact" must be defined in detail in order to be considered.***

Considering that the State and many of its municipalities are currently in the throes of chaotic legal negotiations in their attempt to accommodate the hastily and inadequately planned Article 10 legislation and in view of the concerns expressed above and from your many other constituents, we ask for your prudent restraint and thoughtful consideration of the proposed *Accelerated Renewable Energy Growth and Community Benefit Act* and the *Article 23 Major Renewable Energy Development Program*.

Respectfully submitted,

[Your name]

[Your address]

**Step 3: Add a subject line, we suggest "Request for your help" or "Regarding the Accelerated Renewable Energy Growth & Community Benefit Acts" or whatever you think is best.**

**Step 4: Add your name and address at the bottom.**

**Step 5. Hit "SEND"**

Thank you!!!