

Save Ontario Shores calls on state to extend deadline for implementation of draft regulations

The president and vice president of Save Ontario Shores (SOS) testified at New York's Office of Renewable Energy Siting (ORES) virtual public hearing on Monday (Nov. 30), regarding draft regulations that would make it easier to develop large-scale industrial wind and solar projects in New York State. ORES, which is controlled by Governor Andrew M. Cuomo, would be able to sidestep local laws protecting public health, environment, property values, recreation and tourism in order to advance the governor's green energy agenda.

SOS Vice President Kate Kremer called it "outrageous" that ORES is advancing regulations, with far reaching implications for rural towns, during a pandemic. "Developers with current applications for projects, including Apex's Heritage Wind in Barre, are taking steps to quickly move to this new project-friendly regulatory system. For rural communities it is a new process that is hopelessly stacked against them."

Noting that the state has extended unemployment insurance, the tax filing deadline and the deadline for COVID-related residential and commercial evictions, SOS is calling on New York State to extend the deadline for implementation of the green energy regulations.

"These hearings are part of a fundamentally flawed process," Kremer said. "SOS was informed that if we wanted to see the public comments on the draft regulations, we would have to go through the Freedom of Information Law process that can take months. This newly formed office should post documents on its website. Making citizens go through the lengthy FOIL process to see public comments or the hearing transcripts is outrageous!"

ORES has said it has the legal authority to make these hearings virtual under executive orders issued by the governor. This action makes the hearings less accessible to the very people that will be the most impacted by them, rural New York residents who, in too many cases, do not have access to high speed internet and do not have reliable phone connections.

From a technical standpoint, the virtual public hearing was cumbersome and confusing. SOS continues to request that the in person public hearings in Western New York that were replaced with web-based hearings, be rescheduled when it is safe to do so.

In her testimony, SOS President Pam Atwater quoted Karen Schneller-McDonald of Hickory Creek Consulting LLC, an environmental expert engaged by SOS: “The proposed regulations do not reflect an understanding of environmental science and now conventional methods to review and mitigate environmental impacts. Many sections read like they are written by someone with little or no understanding or experience with wetland science, watershed management, ecology, and best practices for stream protection. This does not serve the best interests of the people of New York State and protection of our water resources.”

“One has to wonder what New York State will look like if projects go through with little or no science-based analysis of the impacts,” Atwater said. “There’s been a lot of criticism regarding the rejection of science at the federal level and it appears that New York State is following suit.”

Save Ontario Shores was formed in 2015 to oppose the Lighthouse Wind Project, which calls for the installation of 47 industrial wind turbines in the towns of Somerset and Yates in Niagara and Orleans counties. The wind turbines would tower to almost 600 feet, taller than the One Seneca Building in downtown Buffalo.

The virtual public hearing was one in a series across the state conducted by ORES regarding the proposed changes to the siting process. The Accelerated Renewable Energy Growth and Community Benefit Act requires ORES to hold four public hearings in different regions of the state to solicit comment on the uniform standards and conditions.

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