



The Honorable Andrew M. Cuomo

August 1, 2017

Governor of New York State

NYS State Capitol Building

Albany, NY 12224

Governor Cuomo,

The New York League of Conservation Voters (NYLCV) has long supported the preservation of the Long Island Central Pine Barrens, and the expansion of preserved lands across the state where preservation can protect ecologically vulnerable lands. We are grateful for your leadership on preservation issues, for instance by allowing funds from the Clean Water Infrastructure Act of 2017 to be used for source water protection, and fondly recall your father's leadership in protecting the Pine Barrens. We are also strong supporters of the Clean Energy Standard (CES), the goals of which will only be met through a vast increase in renewable energy projects, big and small, across the state over the next decade. Preservation and renewable energy should not be pitted against each other, but recent legislation that greatly concerns us does just that.

A. 7772-B/S. 6157-B<sup>1</sup>, which passed both houses of the Legislature on June 19, 2017, would expand the Core Preservation Area of the Central Pine Barrens. While NYLCV often supports land preservation measures and is open to thoughtful expansion of the Pine Barrens, we are concerned that this bill was specifically drafted to block two proposed solar farms in Mastic and Shoreham that, as proposed, would generate approximately 90 megawatts of renewable energy. Without commenting on the merits of either project, we have several specific concerns about this legislation.

First, it would set a bad precedent to allow opponents of renewable energy projects, regardless of the merits or lack thereof of their objections, to use New York's proud history of preserving vulnerable land to block projects that should rightfully be adjudicated through the local land use process. The bad faith invocation of land preservation could undermine the delicate and hard-won support that preservation efforts generally enjoy from a wide range of stakeholders in New York.

Second, changing the allowable use of properties that have been purchased with the express purpose of building renewable energy installations after the purchase has been made would have a chilling effect on investments in large-scale renewable energy and hurt the State's ability to achieve the goals of the CES.

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<sup>1</sup> "An act to amend the environmental conservation law, in relation to the central pine barrens area and the core preservation area."

Third, the land covered by this bill would be purchased through transferable development rights (TDRs) as required by the original Pine Barrens statute, which we do not believe currently represent fair value for land within the Pine Barrens. TDRs allow recipients to sell them to developers as density bonuses. However, as the towns surrounding the Pine Barrens have imposed more and more restrictions on new development, there have been fewer and fewer sites at which developers could as-of-right build more densely with the purchase of TDRs. This in turn has devalued Pine Barrens TDRs, an issue which would only be exacerbated by the addition of a sizeable number of such credits created by this legislation without suitable mandatory receiving areas. The TDR issue is a problem that we are very interested in working to find a solution to.

Fourth, the Shoreham property could be important to the burgeoning offshore wind industry, both as an interconnection point to the electrical grid and as a port for servicing wind farms. It is not clear that either of those potential uses could be actualized if this bill is signed into law.

Finally, this bill represents a rushed and limited effort to address an issue that deserves far more deliberation and debate – namely, striking the right balance between preservation and renewable energy. There is opposition in many parts of the state to large-scale renewable energy; sometimes members of the public raise valid concerns that ought to prevent a project from moving forward or lead to significant changes to it, while other times opposition stems from a misguided “NIMBY” mentality. Still other times there are sincere and difficult to resolve tensions between the need to protect and expand as much undisturbed forest as possible and the need to find adequate open space for large-scale renewable energy.

Over the next year NYLCV will be holding a series of policy forums in Long Island, the Capital Region, and other parts of the state to build consensus on guidelines for siting renewable energy. We would welcome partnering with your office and State agencies to develop best practices that could be applied going forward to proposed renewable energy projects like those that would be preempted by A. 7772-B/S. 6157-B.

Sincerely,

A handwritten signature in black ink, appearing to read "Marcia Bystryn". The signature is fluid and cursive, with the first name "Marcia" being more prominent than the last name "Bystryn".

Marcia Bystryn

President

New York League of Conservation Voters